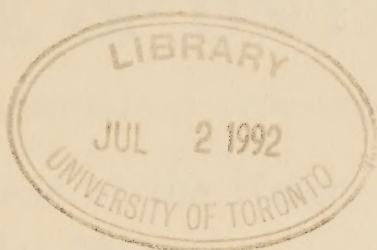



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Government
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ONTARIO

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Twelfth Year of the Reign of
Her Majesty
QUEEN ELIZABETH II

Being the First Session of the Twenty-Seventh
Legislature of Ontario

CONVENED ON THE 29TH DAY OF OCTOBER, 1963, AND
PROROGUED ON THE 30TH DAY OF OCTOBER, 1963

HIS HONOUR WILLIAM EARL ROWE
LIEUTENANT GOVERNOR

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER
1963

TABLE OF CONTENTS

12 Eliz. II
1963
Chap.

PUBLIC ACT

PAGE

1 — An Act to assist Municipalities to Finance Capital Works

(Bill No. 1)

1



12 ELIZABETH II

CHAPTER 1

An Act to assist Municipalities to Finance Capital Works

*Assented to October 30th, 1963
Session Prorogued October 30th, 1963*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Municipal Affairs;
- (b) "Municipal Development and Loan Board" means the Municipal Development and Loan Board established under the *Municipal Development and Loan Act* (Canada);
- (c) "municipality" means a metropolitan municipality, city, town, village, township, improvement district or county, or an elementary or secondary school board that has authority to raise money by the issue of debentures.

2. The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into an agreement with the Municipal Development and Loan Board as contemplated in subsection 2 of section 7 of the *Municipal Development and Loan Act* (Canada).

Agreement
authorized

3.—(1) The Minister may exercise such powers and responsibilities as are necessary to carry out the terms of the agreement entered into under section 2, and, without limiting the generality of the foregoing, he may, on behalf of the Government of Ontario,

Powers of
Minister

- (a) make all necessary arrangements for the borrowing of moneys from the Municipal Development and Loan Board, in amounts not exceeding in the aggregate the amount fixed by the *Municipal Development and Loan Act* (Canada), for the purpose of making loans to municipalities in accordance with the terms of the agreement;

- (b) make loans to municipalities in respect of municipal projects in accordance with the terms of the agreement and take, hold, pledge or otherwise dispose of debentures, bonds or other securities given by municipalities in respect of such loans; and
- (c) forgive the repayment of a portion of any loan made to a municipality to the same extent as repayment is forgiven to Ontario by the Municipal Development and Loan Board.

Municipal
projects

(2) For the purposes of this Act and the *Municipal Development and Loan Act* (Canada), a municipal project includes a capital work of an elementary or secondary school board in respect of which the school board or a metropolitan municipality, city, town, village, township, improvement district or county has authority to raise money by the issue of debentures.

Borrowing
powers
R.S.O. 1960,
c. 142

4.—(1) The Lieutenant Governor in Council may borrow or raise by way of loan in the manner provided by *The Financial Administration Act* such sums as he may deem requisite for the purposes of this Act and of the agreement entered into under section 2.

Idem

(2) Bonds, debentures or other securities to be issued by the Lieutenant Governor in Council may be issued and delivered from time to time by the Treasurer of Ontario to the Municipal Development and Loan Board in respect of or in payment for loans made to the Province by the Municipal Development and Loan Board pursuant to the agreement.

Moneys
borrowed
in addition
to borrowing
under other
Acts

5. The moneys that may be borrowed or raised by way of loan and the bonds, debentures and other securities that may be issued by the Government of Ontario for the purposes mentioned in this Act are in addition to all sums of money that may be borrowed or raised by way of loan and all bonds, debentures and other securities that may be issued under any other Act.

Regulations

6. The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Municipal Works Assistance Act, 1963*.

INDEX

First Session, Twenty-Seventh Legislature 12 Elizabeth II, 1963

M

	PAGE
MUNICIPAL WORKS ASSISTANCE	
AGREEMENT	
authorized	1
BORROWING POWERS	
Lieutenant Governor in Council, of	2
LIEUTENANT GOVERNOR IN COUNCIL	
approval of, required re agreement	1
borrowing powers of	2
LOANS	
authorized	2
forgiveness of portion of, authorized	2
MINISTER	
authority of, to enter into agreement	1
defined	1
powers of	1, 2
MUNICIPAL DEVELOPMENT AND LOAN BOARD	
agreement with, authorized	1
defined	1
MUNICIPAL PROJECTS	
defined	2
MUNICIPALITY	
defined	1
loans to, authorized	2
REGULATIONS	
Lieutenant Governor in Council authorized to make	2



ONTARIO

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Twelfth and Thirteenth Years of the Reign of
Her Majesty
QUEEN ELIZABETH II

Being the Second Session of the Twenty-Seventh
Legislature of Ontario

CONVENED ON THE 15TH DAY OF JANUARY, 1964, AND
PROROGUED ON THE 8TH DAY OF MAY, 1964

HIS HONOUR WILLIAM EARL ROWE
LIEUTENANT GOVERNOR

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER
1964

TABLE OF CONTENTS

	PAGE
Index to Statutes, 1964.....	755-802
Table of Public Statutes and Amendments: R.S.O. 1960; 1960-61; 1961-62; 1962-63; 1963, and 1964.....	803-814
Table of Proclamations: R.S.O. 1960; 1960-61; 1961-62; 1962-63; 1963, and 1964.....	815-817

PART I

PUBLIC ACTS

12-13 Eliz. II
(1964)
Chap.

1 — An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949.....	(Bill 55) 1
2 — An Act to amend The Anatomy Act.....	(Bill 50) 3
3 — The Apprenticeship and Tradesmen's Qualification Act, 1964	(Bill 4) 5
4 — An Act to amend The Assessment Act.....	(Bill 60) 13
5 — An Act to amend The Bailiffs Act, 1960-61.....	(Bill 39) 23
6 — An Act to set aside a Certain Tax Sale of Land in the Township of Herschel for the Relief of Wallace Bullied and Norah Bullied.....	(Bill 64) 25
7 — An Act to amend The Collection Agencies Act.....	(Bill 103) 29
8 — An Act to amend The Commissioners for taking Affidavits Act	(Bill 74) 39
9 — An Act to amend The Conveyancing and Law of Property Act	(Bills 1, 73) 41
10 — An Act to amend The Corporations Act.....	(Bill 79) 43
11 — An Act to amend The Corporations Tax Act.....	(Bill 92) 47
12 — An Act to amend The County Courts Act.....	(Bill 13) 59
13 — An Act to amend The County Judges Act.....	(Bill 24) 61
14 — An Act to amend The Credit Unions Act.....	(Bill 72) 63
15 — An Act to amend The Crown Attorneys Act.....	(Bill 29) 69

12-13 Eliz. II
(1964)
Chap.

	PAGE
16 — An Act to amend The Crown Timber Act..... (Bill 32)	71
17 — An Act to repeal The Custody of Documents Act..... (Bill 46)	77
18 — An Act to amend The Day Nurseries Act..... (Bill 26)	79
19 — An Act to amend The Department of Agriculture Act.. (Bills 9, 36)	81
20 — An Act to amend The Department of Education Act.. (Bills 85, 130)	83
21 — An Act to amend The Department of Energy Resources Act (Bill 19)	85
22 — An Act to amend The Department of Municipal Affairs Act (Bill 62)	87
23 — An Act to amend The Department of Travel and Publicity Act (Bill 20)	91
24 — An Act to establish the Department of University Affairs. (Bill 126)	93
25 — An Act to amend The Division Courts Act..... (Bill 65)	95
26 — An Act to amend The Dower Act..... (Bill 17)	97
27 — The Energy Act, 1964..... (Bill 48)	99
28 — An Act to amend The Executive Council Act..... (Bill 141)	113
29 — An Act to amend The Extra-Judicial Services Act..... (Bill 18)	115
30 — An Act to amend The Farm Products Grades and Sales Act (Bill 91)	117
31 — An Act to amend The Farm Products Marketing Act... (Bill 83)	119
32 — An Act to repeal The Female Refuges Act..... (Bill 23)	123
33 — An Act to amend The Fire Departments Act..... (Bill 71)	125
34 — An Act to amend The Game and Fish Act, 1961-62..... (Bill 34)	129
35 — An Act to amend The Gasoline Handling Act..... (Bill 95)	135
36 — An Act to amend The Gasoline Tax Act..... (Bill 40)	137
37 — An Act to amend The Highway Improvement Act.... (Bills 27, 122)	139
38 — An Act to amend The Highway Traffic Act..... (Bill 38)	143
39 — An Act to provide Homes for Persons requiring Special Residen- tial and Sheltered Care..... (Bill 118)	151

12-13 Eliz. II (1964) Chap.	PAGE
40 — An Act to amend The Hospitals Tax Act..... (Bill 94)	155
41 — An Act to amend The Hotel Fire Safety Act..... (Bill 139)	157
42 — An Act to amend The Hours of Work and Vacations with Pay Act..... (Bill 6)	159
43 — An Act to amend The Income Tax Act, 1961-62..... (Bill 93)	161
44 — An Act to amend The Industrial Farms Act..... (Bill 116)	165
45 — The Industrial Safety Act, 1964..... (Bill 3)	167
46 — An Act to amend The Industrial Standards Act..... (Bill 5)	185
47 — An Act to amend The Insurance Act..... (Bill 102)	195
48 — An Act to repeal The Investigation of Titles Act..... (Bill 45)	201
49 — An Act to amend The Junior Farmer Establishment Act.. (Bill 10)	203
50 — An Act to amend The Jurors Act..... (Bill 16)	205
51 — An Act to amend The Juvenile and Family Courts Act... (Bill 101)	207
52 — An Act to amend The Killarney Recreational Reserve Act, 1962-63..... (Bill 30)	211
53 — An Act to amend The Labour Relations Act..... (Bill 142)	213
54 — An Act to amend The Law Society Act..... (Bill 100)	221
55 — An Act to amend The Legislative Assembly Act..... (Bill 137)	223
56 — An Act to provide for the Establishment of Local Roads Boards in Territory without Municipal Organization..... (Bill 123)	225
57 — An Act to amend The Magistrates Act..... (Bill 15)	237
58 — An Act to amend The Marriage Act..... (Bill 77)	239
59 — An Act to amend The Maternity Boarding Houses Act... (Bill 56)	241
60 — An Act to amend The Mental Incompetency Act..... (Bill 25)	243
61 — An Act to amend The Milk Industry Act..... (Bill 82)	251
62 — An Act to amend The Mining Act..... (Bill 51)	255
63 — An Act to amend The Mortgage Brokers Registration Act (Bill 104)	261

12-13 Eliz. II (1964) Chap.		PAGE
64 — An Act to amend The Mortgages Act.....	(Bill 106)	271
65 — An Act to amend The Mothers' Allowances Act.....	(Bill 134)	277
66 — An Act to amend The Motor Vehicle Accident Claims Act, 1961-62.....	(Bill 49)	281
67 — An Act to amend The Motor Vehicle Fuel Tax Act.....	(Bill 41)	285
68 — An Act to amend The Municipal Act.....	(Bill 121)	287
69 — An Act to amend The Municipal Unconditional Grants Act	(Bill 111)	295
70 — An Act to amend The Municipal Works Assistance Act, 1963	(Bill 81)	299
71 — An Act to amend The Municipality of Metropolitan Toronto Act.....	(Bill 120)	301
72 — An Act to amend The Notaries Act, 1962-63.....	(Bill 66)	303
73 — An Act to amend The Nurses Act, 1961-62.....	(Bill 57)	305
74 — The Ontario Energy Board Act, 1964.....	(Bill 47)	307
75 — An Act to amend The Ontario Food Terminal Act.....	(Bill 98)	329
76 — An Act to incorporate the Ontario Housing Corporation..	(Bill 135)	331
77 — An Act to amend The Ontario Hurricane Relief Fund Act, 1955.....	(Bill 125)	337
78 — An Act to establish the Ontario Law Reform Commission..	(Bill 75)	339
79 — An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.....	(Bill 115)	341
80 — An Act to amend The Ontario Mental Health Foundation Act, 1960-61.....	(Bill 58)	343
81 — An Act to amend The Ontario Municipal Board Act.....	(Bill 89)	347
82 — An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62.....	(Bills 61, 110)	349
83 — An Act to amend The Ontario Northland Transportation Com- mission Act.....	(Bill 97)	351
84 — An Act to amend The Ontario-St. Lawrence Development Commission Act.....	(Bill 63)	353

12-13 Eliz. II (1964) Chap.	PAGE
85 — An Act to incorporate The Ontario Universities Capital Aid Corporation..... (Bill 127)	355
86 — An Act to amend The Ontario Water Resources Commission Act (Bill 124)	361
87 — An Act to amend The Penal and Reform Institutions Inspection Act..... (Bill 117)	369
88 — An Act to amend The Pension Benefits Act, 1962-63..... (Bill 140)	371
89 — An Act to amend The Pharmacy Act..... (Bill 96)	377
90 — An Act to amend The Planning Act..... (Bill 132)	381
91 — An Act to amend The Plant Diseases Act..... (Bill 8)	387
92 — An Act to amend The Police Act..... (Bill 99)	389
93 — An Act to amend The Public Health Act..... (Bill 68)	399
94 — An Act to amend The Public Hospitals Act..... (Bill 128)	403
95 — An Act to amend The Public Schools Act..... (Bills 54, 90)	405
96 — An Act to amend The Public Service Superannuation Act. (Bill 129)	419
97 — An Act to amend The Race Tracks Tax Act..... (Bill 114)	423
98 — An Act to amend The Radiological Technicians Act, 1962-63 (Bill 59)	427
99 — An Act to amend The Real Estate and Business Brokers Act (Bill 105)	429
100 — An Act to amend The Reciprocal Enforcement of Maintenance Orders Act..... (Bill 14)	439
101 — An Act to amend The Reformatories Act..... (Bill 42)	441
102 — An Act to amend The Registry Act..... (Bill 44)	443
103 — An Act to repeal The Residential and Farm School Tax Assistance Grants Act, 1960-61..... (Bill 86)	465
104 — An Act to amend The Retail Sales Tax Act, 1960-61..... (Bill 112)	467
105 — An Act to amend The Schools Administration Act.. (Bills 52, 89, 131)	473
106 — An Act to amend The Secondary Schools and Boards of Education Act..... (Bills 53, 88)	485

12-13 Eliz. II (1964) Chap.	PAGE
107 — An Act to amend The Securities Act. (Bill 70)	497
108 — An Act to amend The Separate Schools Act. (Bill 87)	499
109 — An Act to incorporate The Sheridan Park Corporation. . . (Bill 136)	507
110 — An Act to amend The Short Forms of Mortgages Act. . . . (Bill 107)	519
111 — An Act to repeal The Slot Machines Act. (Bill 11)	521
112 — An Act to amend The Succession Duty Act. (Bill 113)	523
113 — An Act to amend The Summary Convictions Act. (Bill 69)	525
114 — An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1964, and the 31st day of March, 1965. . . . (Bill 144)	527
115 — An Act to amend The Teachers' Superannuation Act. . . . (Bill 143)	531
116 — An Act to amend The Territorial Division Act. (Bill 33)	539
117 — An Act to amend The Tourist Establishments Act. (Bill 138)	543
118 — An Act to amend The Trees Act. (Bill 31)	545
119 — An Act to amend The Trustee Act. (Bill 12)	547
120 — An Act to incorporate the University of Guelph. (Bill 133)	549
121 — An Act to provide for the Registration, Supervision and Control of Used Car Dealers and Salesmen. (Bill 109)	557
122 — An Act to repeal The Vaccination Act. (Bill 67)	567
123 — An Act to amend The Vital Statistics Act. (Bill 78)	569
124 — An Act to amend The Workmen's Compensation Act. . . . (Bill 76)	571

PART II

PRIVATE ACTS

125 — An Act respecting Assumption University. (Bill Pr32)	579
126 — An Act respecting the City of Barrie. (Bill Pr26)	587
127 — An Act to incorporate Brock University. (Bill Pr10)	589
128 — An Act respecting the Town of Cochrane. (Bill Pr1)	597

ix

PAGE

129 — An Act respecting the Township School Area of the Township of Erin.....	(Bill Pr12)	599
130 — An Act respecting the City of Hamilton.....	(Bill Pr23)	603
131 — An Act respecting Huron College.....	(Bill Pr7)	607
132 — An Act respecting the City of London.....	(Bill Pr13)	611
133 — An Act respecting The Board of Education for the City of London.....	(Bill Pr5)	621
134 — An Act to incorporate The Masonic Foundation of Ontario.....	(Bill Pr22)	643
135 — An Act respecting the City of Niagara Falls.....	(Bill Pr31)	651
136 — An Act respecting the City of Ottawa.....	(Bill Pr19)	671
137 — An Act respecting Ottawa Community Chests.....	(Bill Pr30)	673
138 — An Act respecting the City of Owen Sound.....	(Bill Pr2)	675
139 — An Act respecting the City of Peterborough.....	(Bill Pr28)	677
140 — An Act respecting The Riverdale Hospital.....	(Bill Pr9)	685
141 — An Act respecting The Ross Memorial Hospital.....	(Bill Pr20)	691
142 — An Act respecting the Town of Smith's Falls.....	(Bill Pr8)	695
143 — An Act respecting The W. F. Thomas Foundation.....	(Bill Pr27)	697
144 — An Act respecting the Town of Thorold.....	(Bill Pr16)	699
145 — An Act respecting the City of Toronto.....	(Bill Pr17)	733
146 — An Act respecting the Township of Toronto.....	(Bill Pr34)	737
147 — An Act respecting the Lillian Frances Massey Treble Trust.....	(Bill Pr18)	739
148 — An Act respecting Université d'Ottawa.....	(Bill Pr24)	741
149 — An Act respecting the City of Waterloo.....	(Bill Pr4)	745
150 — An Act respecting the Township of York.....	(Bill Pr29)	749

PART I
PUBLIC ACTS
Chapters 1 to 124



12-13 ELIZABETH II

CHAPTER 1

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949* is repealed and the following substituted therefor: ^{1949, c. 4, s. 13, re-enacted}

13.—(1) Each member of the Foundation and of its ^{Expenses} medical advisory board shall be paid his proper travelling and other expenses incurred in the work of the Foundation.

(2) The members of the medical advisory board shall be ^{Remuneration} paid such remuneration as the Foundation determines from time to time.

2. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

3. This Act may be cited as *The Alcoholism and Drug ^{Short title} Addiction Research Foundation Amendment Act, 1964.*

CHAPTER 2

An Act to amend The Anatomy Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 3 of *The Anatomy Act* ^{R.S.O. 1960, c. 14, s. 3, subs. 1, cl. *a*, amended} is amended by striking out “necessary” in the third line and inserting in lieu thereof “unnecessary”, so that the clause shall read as follows:

(a) of a person that is found publicly exposed or sent ^{Disposal of certain bodies for study of anatomy} to a morgue upon which a coroner after having viewed it deems an inquest unnecessary; or

.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Anatomy Amendment Act*, ^{Short title} 1964.

CHAPTER 3

The Apprenticeship and Tradesmen's
Qualification Act, 1964

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
- (a) "apprentice" means a person who is at least sixteen years of age and who has entered into a contract under which he is to receive, from or through his employer, training and instruction in a trade;
 - (b) "Director" means the Director of Apprenticeship;
 - (c) "employer" includes the Crown and any other public authority, the Ontario Apprenticeship Institute and any local apprenticeship committee;
 - (d) "Minister" means the Minister of Labour;
 - (e) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 17, s. 1, *amended*.

2.—(1) There shall be appointed a Director of Apprenticeship and such other officers, clerks and servants as are deemed expedient for the purposes of this Act. R.S.O. 1960, c. 17, s. 4 (1), *amended*. Director
and staff

(2) Subject to the approval of the Minister, the Director may appoint one or more examiners to assist in the conduct of examinations prescribed for any trade, and such examiners, upon the direction of the Lieutenant Governor in Council, may be paid their travelling expenses and a *per diem* allowance for their services out of such moneys as are appropriated therefor by the Legislature. R.S.O. 1960, c. 17, s. 16 (5), *amended*. Examiners

3.—(1) The Minister may appoint a provincial advisory committee in any trade or group of trades to advise him in Provincial
advisory
committees,
appoint-
ment

matters relating to the establishment and operation of apprentice training programmes and tradesmen's qualifications. R.S.O. 1960, c. 17, s. 16 (1), *amended*.

com-
position

(2) Every provincial advisory committee shall consist of not fewer than five members made up of equal numbers of representatives of employers and of employees and the Director or such other officer of the Department of Labour as may be designated by him. R.S.O. 1960, c. 17, s. 16 (3).

term of
office of
appointed
members

(3) The representatives of employers and employees on a provincial advisory committee shall be appointed for terms of one, two or three years, and having served a term shall not be re-appointed for at least two years. R.S.O. 1960, c. 17, s. 16 (2), *amended*.

vacancies

(4) When a vacancy occurs on a provincial advisory committee during a term of office, the Minister may fill the vacancy for the unexpired portion of the term. *New*.

travelling
expenses,
allowances,
etc.

(5) The Lieutenant Governor in Council may direct payment, out of such moneys as are appropriated therefor by the Legislature, of the travelling expenses of the members of provincial advisory committees and a *per diem* allowance for the time spent by such members in attending meetings, and of any expenses properly incurred by such a committee in carrying out its duties. R.S.O. 1960, c. 17, s. 16 (4).

Local
apprentice-
ship com-
mittees

4. The Director may appoint local apprenticeship committees composed of such persons as he deems appropriate for any area of Ontario to advise and assist him in matters relating to apprenticeship or tradesmen's qualifications in the area. R.S.O. 1960, c. 17, s. 17 (3), *amended*.

Agreements
respecting
manpower
training

5. With the approval of the Lieutenant Governor in Council, the Minister may enter into one or more agreements with the Minister of Labour of Canada respecting apprentice or manpower training. *New*.

Duties of
Director

6. Subject to the supervision and control of the Minister, it is the duty of the Director to administer and enforce this Act, and, without limiting the generality of the foregoing, for the purposes of this Act,

(a) to collaborate with persons and organizations in the determination of training requirements in any trade;

(b) to undertake or collaborate in studies or investigations of any trade and of the requirements for the supply and training of persons therefor;

(c)

- (c) to publicize and promote apprenticeship as a method of training in any trade;
- (d) to plan and carry out programmes of apprenticeship in any trade;
- (e) generally to perform such other duties as are assigned to him by the Minister for the carrying out of this Act. R.S.O. 1960, c. 17, s. 5, *amended*.

7.—(1) For the purpose of carrying out this Act, the ^{Powers of} Director, or any person authorized by the Minister in writing, may,

- (a) inspect the premises, equipment and training facilities of an employer;
- (b) inspect and examine all books, payrolls and other records of an employer that in any way relate to the wages, hours of labour or conditions of employment of any person;
- (c) take extracts from or make copies of any entry in such books, payrolls and records;
- (d) require an employer to make full disclosure and production of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof that the employer may have in his possession or control, or other information, either oral or in writing and either verified by oath or otherwise, that in any way relate to the wages, hours or labour or conditions of employment of persons employed by him;
- (e) upon notice to the parties and after giving them an opportunity to be heard, cancel for cause contracts of apprenticeship.

(2) Notwithstanding any of the provisions of this Act or the regulations, the Director may register any person as an apprentice, or grant a certificate of apprenticeship, a certificate of qualification or a certificate of proficiency to any person, who, in the opinion of the Director, is unable by reason of physical incapacity or other ^{Idem, special circumstances} circumstances to take or complete the prescribed course of study or training in a trade or apprentice training programme. *New.*

Duty to
register
as an
apprentice

8.—(1) Every person who hereafter commences to work at a trade for which an apprentice training programme is established but who does not hold a certificate of apprenticeship or qualification in that trade shall,

- (a) forthwith apply in the prescribed form for apprenticeship in that trade; and
- (b) within three months after commencing to work in that trade, file with the Director his contract of apprenticeship.

Idem

(2) Every person who fails to comply with subsection 1 shall, upon the expiration of the period of three months mentioned in clause *b* of subsection 1, cease to work in that trade until he files with the Director his contract of apprenticeship or until the Director authorizes in writing the continuation or resumption of such work. R.S.O. 1960, c. 17, s. 7, *amended*.

Persons
under 21

9. Where an apprentice training programme is established for a trade, every employer in the trade employing any person under twenty-one years of age,

- (a) who is not an apprentice in that trade; or
- (b) who does not hold a certificate of apprenticeship or qualification in that trade,

shall immediately notify the Director of the particulars of the employment and of the name and address of the person so employed in order that the Director may inform the person so employed of his rights and duties under this Act. *New*.

Certified
trades

10.—(1) The Lieutenant Governor in Council may designate any trade as a certified trade for the purposes of this Act, and may provide for separate branches or classifications within the trade.

Who may
work in a
certified
trade

(2) No person, other than an apprentice or a person referred to in subsection 3 or such class of persons as is exempt from this section, shall work or be employed in any certified trade unless such person holds a subsisting certificate of qualification in the certified trade.

Qualifica-
tion of those
in the trade
at time of
designation

(3) When a trade is certified under subsection 1, a person who is working in the trade at the time that it is certified shall be allowed a period of two years from the first day of the month following the month in which the trade is certified to qualify for a certificate of qualification in the trade, if he,

(a)

- (a) is the holder of a certificate of apprenticeship in the trade; or
- (b) satisfies the Director that he has been continuously engaged as a journeyman in the trade for a period of time in excess of the apprenticeship period for the trade; or
- (c) satisfies the Director that he is qualified to work in the trade and meets such other requirements as the Director prescribes. *New.*

11. Where an apprentice training programme for a trade is in effect, no work shall be done in that trade on a public work within the meaning of *The Public Works Creditors Payment Act, 1962-63* unless the contractor, as defined in that Act, has in his employ the number of apprentices required under the regulations. *New.*

Employment of apprentices on government contracts 1962-63. c. 121

12. Where an apprentice lawfully strikes within the meaning of *The Labour Relations Act*, he shall not be deemed to have broken his contract of apprenticeship. *New.*

Strikes R.S.O. 1960, c. 202

13. Every contract of apprenticeship shall be,

Essentials of apprenticeship contracts

- (a) for a period of at least two years;
- (b) in the prescribed form;
- (c) signed,
 - (i) by the employer,
 - (ii) by the person to be apprenticed, and
 - (iii) if he is under twenty-one years of age, by a parent or the guardian of the person to be apprenticed, but, if neither parent nor the guardian is willing to sign or is capable of signing, a judge of the county or district court of a county or district in which the employer carries on business may, upon the application of the person to be apprenticed and without the appointment of a next friend, dispense with the signature of either parent or of the guardian upon proof to the satisfaction of the judge that the contract is in the interests of the person to be apprenticed; and
- (d) approved by the Director. R.S.O. 1960, c. 17, s. 11, *amended.*

Registration
of contracts

14. Every contract of apprenticeship shall, upon its approval by the Director, be registered by him forthwith. *New.*

Minors

15. Every apprentice who is under twenty-one years of age shall perform and is entitled to the benefits of his contract of apprenticeship in accordance with its terms in the same manner and to the same extent as if he were of the full age of twenty-one years. *New.*

Termination
of appren-
ticeship
contracts

16.—(1) A contract of apprenticeship shall not be terminated before the completion of the apprenticeship period provided therein except by,

- (a) the death of either party;
- (b) consent, express or implied, of the parties;
- (c) cancellation for cause of the contract. R.S.O. 1960, c. 17, s. 13, *amended.*

Transfer

(2) Where in the opinion of the Director the terms of a contract of apprenticeship cannot be fulfilled to the advantage of either party, he may arrange for the transfer of the contract. R.S.O. 1960, c. 17, s. 14, *amended.*

Termination,
etc., to be
noted

(3) The termination, cancellation or transfer of a contract of apprenticeship shall be noted by the Director on the registered copy of the agreement. *New.*

Offences

17.—(1) Every person,

- (a) who contravenes any provision of this Act or the regulations;
- (b) who fails to carry out the terms of a contract of apprenticeship under this Act;
- (c) who enters into a contract or arrangement relating to the employment of an apprentice that is not in accordance with this Act;
- (d) who withholds any information with regard to the working or training conditions of apprentices or makes any misrepresentation with regard thereto;
- (e) who obstructs, hinders, prevents or otherwise interferes with the carrying out of this Act or the regulations or the terms of a contract of apprenticeship under this Act; or

(f)

- (f) who uses for the purpose of obtaining employment or business a certificate of apprenticeship, a certificate of qualification or a certificate of proficiency issued to another person,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1960, c. 17, s. 20, *amended*.

(2) In addition to any fine that may be imposed on an employer for his failure to pay an apprentice the wages due an apprentice, the magistrate may order the employer to pay to the Director in trust for the apprentice an amount equal to the arrears of wages to which the apprentice is entitled, and, when the order becomes final, a copy of it, certified as a true copy by the magistrate who made it, may be filed by the Director with the clerk of the county or district court of a county or district in which the employer carries on business or, where the amount of arrears does not exceed \$400, with the clerk of a like division court, and, when so filed and upon payment of the fees of the clerk of the court, such order becomes an order of the court in which it is filed and may be enforced as a judgment of the court against the employer for the amount mentioned in the order and the fees so paid. *New*.

Collection
of arrears
of appren-
tice's wages

18. The Lieutenant Governor in Council may make regula-
tions,

Regulations

- (a) defining any trade;
- (b) establishing an apprentice training programme for any trade or group of trades;
- (c) exempting any trade or class of persons in a trade from this Act and the regulations or from any provision of either of them;
- (d) providing a system of proficiency certificates for any trade not designated as a certified trade under section 10;
- (e) providing for approval by the Director of apprentice training programmes established by employers;
- (f) providing licences for trade schools teaching any trade to which this Act applies and respecting their issue, renewal, revocation and suspension, and prescribing courses of study and methods of training in such trade schools and respecting their operation;

(g)

- (g) respecting the periods of apprenticeship, qualifications and training of apprentices in any trade;
- (h) approving or prescribing courses of training or study for apprentices, and fixing the credits to be allowed for such courses;
- (i) prescribing, in respect of any trade, rates of wages for applicants for apprenticeship or apprentices or any class of applicants or apprentices;
- (j) prescribing the maximum number of persons who may be apprenticed to an employer in a trade;
- (k) respecting the ratio of apprentices to journeymen who may be employed by an employer in a trade;
- (l) respecting the issue, posting, cancellation, suspension or renewal of certificates under this Act;
- (m) respecting the making, registration or transfer of contracts of apprenticeship;
- (n) requiring and providing for the posting up in employers' premises of extracts from this Act or the regulations;
- (o) defining any expression used in this Act for the purposes of this Act;
- (p) providing for and prescribing fees;
- (q) prescribing forms and providing for their use;
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 17, s. 15 (1), *amended*.

Transitional
provision,
certificates

19.—(1) Certificates issued under the predecessor of this Act and subsisting when this Act comes into force continue in force as though this Act had not been passed.

Contracts
of appren-
ticeship

(2) Contracts of apprenticeship approved and registered under a predecessor of this Act and subsisting when this Act comes into force shall be deemed to have been approved and registered by the Director under this Act.

R.S.O. 1960,
c. 17;
1962-63,
c. 4,
repealed

20. *The Apprenticeship Act and The Apprenticeship Amendment Act, 1962-63* are repealed.

Commence-
ment

21. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

22. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Act, 1964*.

CHAPTER 4

An Act to amend The Assessment Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 65a of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 65a
(1960-61,
c. 4, s. 8),
amended

(1a) Where a district assessor for a territorial district has been appointed under section 104, the Minister shall constitute one or more courts of revision for each municipality and locality for which the district assessor is deemed to be the assessor. Courts of
revision
under
district
assessor

(2) Subsection 6 of the said section 65a is repealed and the following substituted therefor: R.S.O. 1960,
c. 23, s. 65a
(1960-61,
c. 4, s. 8),
subs. 6,
re-enacted

(6) Each member of a court of revision shall be paid for his services, Remunera-
tion of
members

(a) where the court of revision is for a municipality in a county, such sum as the county council may by by-law provide; and

(b) where the court of revision is for a municipality or locality in a territorial district, such sum as the Minister may determine.

2. Section 92 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 92,
amended

(1a) The clerk of the municipality shall transmit to the county clerk, within sixty days of the receipt of a grant paid in lieu of taxes, a statement of the valuations of real property in the municipality upon which such grant has been made. Statement
of valua-
tions re-
grants in
lieu of
taxes

R.S.O. 1960,
c. 23, s. 93b
(1961-62,
c. 6, s. 9),
subs. 1,
amended

3.—(1) Subsection 1 of section 93b of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62*, is amended by striking out “thereafter” in the sixth line and inserting in lieu thereof “after the effective date of such by-law”, so that the subsection shall read as follows:

County
assessor
appointed
local
assessor

- (1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor after the effective date of such by-law has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

R.S.O. 1960,
c. 23, s. 93b
(1961-62,
c. 6, s. 9),
subs. 2,
amended

(2) Subsection 2 of the said section 93b is amended by striking out “31st day of December in that year” in the fourth and fifth lines and inserting in lieu thereof “effective date of the by-law passed under subsection 1”, so that the subsection shall read as follows:

Local
municipalities
not
to employ
assessors

- (2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the effective date of the by-law passed under subsection 1, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

R.S.O. 1960,
c. 23,
amended

4. *The Assessment Act* is amended by adding thereto the following section:

Grants re
costs of
district
assessor

- 93d. The Minister may make regulations providing for the payment of grants to defray part of the costs of a district assessor appointed under section 104, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature.

R.S.O. 1960,
c. 23, s. 94,
subs. 1
(1960-61,
c. 4, s. 15),
cl. a,
amended

5.—(1) Clause *a* of subsection 1 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the commencement thereof “subject to subsection 2”, so that the clause shall read as follows:

(a)

- (a) subject to subsection 2, the council of a county that has appointed a county assessment commissioner under section 93a shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and

(2) The said section 94, as amended by section 15 of *The Assessment Amendment Act, 1960-61* and section 10 of *The Assessment Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

- (2) On the application of the council of a county that has appointed a county assessment commissioner under section 93a, the Minister may order that the provisions of clause *a* of subsection 1 do not apply to such county for such period as may be determined by him and that the provisions of clause *b* of subsection 1 apply during such period.

6. Section 104 of *The Assessment Act* is repealed and the following substituted therefor:

104.—(1) In this section, “locality” means,

(a) an improvement district erected under *The Municipal Act*; and

(b) a public school section, a separate school zone, or a high school district, in territory without municipal organization,

and includes the board of any of them.

- (2) The Minister may appoint a district assessor for any territorial district when in any year such an appointment is requested by not less than two-thirds of the municipalities, other than cities and improvement districts, in the territorial district.
- (3) The request for the appointment of a district assessor by any municipality shall be by by-law of the municipality, a certified copy of which shall be filed with the Minister.

Idem

- (4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting that the appointment be made expires at the end of that year and ceases to have further effect.

Term of office

- (5) Every district assessor appointed under this section shall hold office during pleasure, and, when from any cause his office becomes vacant, the Minister may appoint his successor.

Salary

- (6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister.

Provision of equipment, etc.

- (7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,

(a) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed;

(b) provide such mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office;

(c) appoint, engage the services of and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office;

(d) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office.

Powers and duties

- (8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such municipalities and localities.

District assessor for cities

- (9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every

other

other Act of an assessor or an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city.

- (10) After a district assessor has been appointed, a city ^{idem} may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city on and after such date as may be fixed by the Minister.
- (11) Where under the provisions of this section a district assessor has become the assessor for any municipality or locality in a territorial district, such municipality or locality shall not, after the effective date of the appointment of such district assessor, appoint or continue to employ an assessment commissioner or assessors, and, after that date or such date as may be fixed by the Minister, at the request of the district assessor all the books, records and documents relating to the work of the assessment departments or assessors of such municipalities and localities shall be turned over to the district assessor. ^{Municipalities not to employ assessors}
- (12) When a district assessor is appointed in any year under this section, section 130 does not apply after the 31st day of December of that year in any municipality in the territorial district for which he is the assessor. ^{Application of s. 130}
- (13) The total annual cost incurred for the salaries and wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by the municipalities and localities in the territorial district for which he is the assessor, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls, provided that, during the first three years after the appointment of a district assessor, the respective shares of the municipalities and localities shall be in ^{Payment of costs}

the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them according to their last revised assessment rolls as equalized by the application of the latest equalization factors prepared by the Department.

Budget

- (14) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of the budget to each municipality and locality not later than the 15th day of that month.

Appeal

- (15) Any municipality or locality that is not satisfied with the budget or its proportion thereof may, within ten days of receipt thereof, appeal to the Minister, whose decision on such appeal is final and binding, and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.

**Payments
to assessor**

- (16) Every municipality and locality for which the district assessor is deemed to be the assessor shall in each year remit to the district assessor, by equal quarterly payments in advance, its proportion of the cost for that year as shown in the budget or, if the budget is appealed, as shown in the budget as corrected in accordance with the decision of the Minister, and such quarterly payments shall be made on or before the 15th days of January, April, July and October in each year, and, if any such quarterly payment is not made by such date, it shall bear interest at the rate of 6 per cent per annum until paid.

Audit

- (17) The district assessor shall keep proper books of account with respect to his office, and the books shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and for which the district assessor is deemed to be the assessor, and the cost of the audit shall be deemed to be an expense of the office of the district assessor and shall be included in his annual budget.

**Copy of
auditor's
report to
municipalities
and
localities**

- (18) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district for which the district assessor is deemed to be the assessor, and, if there is a deficit for that year, the amount thereof shall be included in the next budget, and, if there is a surplus

for that year, the amount thereof shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

- (19) Where a district assessor has been appointed and an <sup>Equaliza-
tion of
assessment</sup> equalization of assessment is required for the purposes of this or any other Act, the assessments made by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor.
- (20) If any municipality or locality in a district is not <sup>Appeal of
equalization</sup> satisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or locality may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department.
- (21) Every report of an equalization made under this <sup>Report of
equalization</sup> section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.

7.—(1) Subsection 2 of section 182 of *The Assessment Act* <sup>R.S.O. 1960,
c. 23, s. 182,
subs. 2,
re-enacted</sup> is repealed and the following substituted therefor:

- (2) The treasurer shall, within the said period of ninety <sup>Notice to
encum-
brancer and
owner</sup> days from the day of the sale, if the land is not previously redeemed, send by registered mail to each encumbrancer, if any, and to the registered owner, to the address of such encumbrancer or owner as it appears at that time in the records of the municipality in which the land is situated or, if such address does not appear in any of the records of such municipality or is not known to the treasurer, to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office, a notice stating that the land has been sold for taxes, the date of the sale, and that the encumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to

redeem

redeem the estate sold by paying to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and 25 cents for the notice, the amount aforesaid to be specified in the notice.

County
treasurer
to ascertain
address of
owner, etc.

- (2a) Before sending the notice mentioned in subsection 2, the treasurer shall ascertain from the treasurer of the municipality in which the land is situated the address of each owner and encumbrancer as it appears in the records of such municipality, and the treasurer of the local municipality shall supply such address or addresses to the county treasurer upon the request of the county treasurer.

R.S.O. 1960,
c. 23, s. 182,
subs. 3,
re-enacted

- (2) Subsection 3 of the said section 182 is repealed and the following substituted therefor:

Registration
of notice
of sale

- (3) The treasurer shall, within ninety days from the date of sale, register in the registry office a written notice signed by him stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the land.

R.S.O. 1960,
c. 23, s. 182,
subs. 7,
amended

- (3) Subsection 7 of the said section 182 is amended by striking out "and for registration of such receipt the registrar shall be paid a fee of 50 cents" in the ninth and tenth lines, so that the subsection shall read as follows:

Receipt of
redemption

- (7) If under subsection 3 a notice of sale of land for taxes has been registered and the land is redeemed, the treasurer shall, upon payment of the redemption money, deliver to the person paying the money a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the land and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer.

R.S.O. 1960,
c. 23, s. 187,
amended

8. Section 187 of *The Assessment Act* is amended by striking out "and the registrar, for the registry and certificate thereof, is entitled to 70 cents and no more", in the twelfth and thirteenth lines.

9.—(1) This Act, except subsections 2 and 3 of section 7 ^{Commence-}_{ment} and section 8, comes into force on the day it receives Royal Assent.

(2) Subsections 2 and 3 of section 7 and section 8 come into ^{Idem} force on the 1st day of July, 1964.

10. This Act may be cited as *The Assessment Amendment* ^{Short title}
Act, 1964.

CHAPTER 5

An Act to amend The Bailiffs Act, 1960-61

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Bailiffs Act, 1960-61* is amended by adding thereto the following clause: 1960-61,
c. 5, s. 1,
amended

(ca) "Director" means the Director of the Registration and Examination Branch of the Department of the Attorney General.

2. Section 7 of *The Bailiffs Act, 1960-61* is amended by striking out "Inspector of Legal Offices" in the fourth and fifth lines and inserting in lieu thereof "Director". 1960-61,
c. 5, s. 7,
amended

3. Subsection 2 of section 10 of *The Bailiffs Act, 1960-61* is amended by striking out "Inspector of Legal Offices" in the third line and inserting in lieu thereof "Director". 1960-61,
c. 5, s. 10,
subs. 2,
amended

4. *The Bailiffs Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 5,
amended

10a.—(1) No person shall engage in business as a bailiff while an employee of or engaging in the business of a collection agency. Not to
engage in
business of
collection
agency

(2) A person authorized to engage in the business of a bailiff shall notify the Director of any change in the address of the place of business. Change of
business
address

5.—(1) Section 14 of *The Bailiffs Act, 1960-61* is amended by striking out "\$100" in the third line and inserting in lieu thereof "\$1,000", so that subsection 1 of the said section shall read as follows: 1960-61,
c. 5, s. 14,
amended

(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

(2)

1960-61,
c. 5, s. 14,
amended

(2) The said section 14 is further amended by adding thereto the following subsection:

Limitation

(2) No proceeding under subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Short title

6. This Act may be cited as *The Bailiffs Amendment Act, 1964*.

CHAPTER 6

**An Act to set aside a Certain Tax Sale of Land
in the Township of Herschel for the Relief
of Wallace Bullied and Norah Bullied**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The sale to Gerrard Schardt of the lands and premises described in the Schedule hereto by the treasurer of The Corporation of the County of Hastings on the 8th day of November, 1960, is hereby set aside and declared to be void. ^{Sale set aside}

2. The tax sale notice given by the treasurer of The Corporation of the County of Hastings on the 28th day of December, 1961, in respect of the lands and premises described in the Schedule hereto, dated the 28th day of December, 1961, and registered in the Registry Office for the Registry Division of the County of Hastings for the Township of Herschel at 2.35 o'clock p.m. of the 28th day of December, 1961, as No. 62872, is hereby set aside and declared to be void. ^{Tax sale notice set aside}

3. The tax deed in respect of the lands and premises described in the Schedule hereto given by the warden and treasurer of The Corporation of the County of Hastings to Gerrard Schardt, dated the 21st day of August, 1962, and registered in the Registry Office for the Registry Division of the County of Hastings for the Township of Herschel at 9.37 o'clock a.m. of the 14th day of August, 1963, as No. 76116, is hereby set aside and declared to be void. ^{Tax deed set aside}

4. Gerrard Schardt has no right or title to and no claim or interest in the lands and premises described in the Schedule hereto. ^{Rights of Schardt}

5.—(1) Wallace Bullied and Norah Bullied shall, on or before the 1st day of July, 1964, pay to the treasurer of the County of Hastings the sum of \$25, which shall be applied by the treasurer in the following manner: ^{Sum payable by Bullieds}

1. The sum of \$8.36 shall be paid to Gerrard Schardt, being the amount paid by Gerrard Schardt as the purchase price for the lands and premises described in the Schedule hereto.
2. The sum of \$4.86 shall be paid to the treasurer of the Township of Herschel as a full discharge of the arrears of taxes for the year 1957 upon the lands and premises described in the Schedule hereto.
3. The balance shall be retained by the treasurer of the County of Hastings for his costs of the tax sale proceedings in respect of the lands and premises described in the Schedule hereto.

Levy
authorized

(2) If such sum is not paid by Wallace Bullied and Norah Bullied at the time mentioned in subsection 1, the sheriff of the County of Hastings may levy against the lands and goods of Wallace Bullied and Norah Bullied in the same manner as upon an execution filed with him.

Registration
of Act

6. Wallace Bullied and Norah Bullied shall register a copy of this Act, within sixty days after it comes into force, in the Registry Office for the Registry Division of the County of Hastings.

Entries in
register
to be
expunged

7. The registrar of the County of Hastings shall expunge from the register in the Registry Office for the Registry Division of the County of Hastings all entries therein respecting the tax sale notice mentioned in section 2 and the tax deed mentioned in section 3.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Wallace Bullied and Norah Bullied Relief Act, 1964*.

SCHEDULE

All those certain lands and premises being part of Lot Number 20 in the 4th Concession of the Township of Herschel more particularly described as follows:

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of Herschel, in the County of Hastings, and consisting of a part of Lot Number 20, in the 4th Concession of the said Township of Herschel, and which is more particularly described as follows:

BEGINNING at a point in the south boundary of the right of way of the Canadian National Railway, on said Lot 20, 31 rods easterly from the Lot line between the said Lot 20 and 21 adjoining it; thence easterly along said south boundary of the said right of way, a distance of 75 feet; thence southerly and parallel with the east boundary of the land as described in Registered Instrument No. 1799, a distance of 132 feet, more or less, to the north boundary of the Public Road; thence westerly a distance of 75 feet to the east boundary of the land as described in Registered Instrument No. 1799; thence northerly along this said boundary a distance of 132 feet, more or less, to the place of beginning.

SAVING AND EXCEPTING therefrom and thereout, to the use of the said Grantor, her heirs, and assigns, a parcel of land on the south-west corner of the said parcel of land as conveyed above, which said parcel is more particularly described as follows:

Being a parcel of land 17 feet in width, measured along the north boundary of the Public travelled road, from the south west corner of said lot, as conveyed above, and having a uniform depth northerly of 20 feet.

The said Grantor, her heirs and assigns are to have the use of this said parcel of land exempted, as long as they hold or own land in the Township of Herschel.

CHAPTER 7

An Act to amend The Collection Agencies Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Collection Agencies Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 58, s. 1,
amended

(ba) “Director” means the Director of the Registration and Examination Branch of the Department of the Attorney General.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 58, s. 1,
cl. *e*,
re-enacted

(e) “registrar” means the Registrar of Collection Agencies.

(3) Clause *g* of the said section 1 is repealed. R.S.O. 1960,
c. 58, s. 1,
cl. *g*,
repealed

2. Section 2 of *The Collection Agencies Act* is amended by striking out “Superintendent” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,
c. 58, s. 2,
amended

3. Clause *c* of section 3 of *The Collection Agencies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 58, s. 3,
cl. *c*,
re-enacted

(c) act as a collector.

4.—(1) Subsection 1 of section 6 of *The Collection Agencies Act*, as amended by subsection 1 of section 1 of *The Collection Agencies Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 58, s. 6,
subs. 1,
re-enacted

(1) The registrar shall issue a licence or renewal of a licence to an applicant where the proposed licensing is not against the public interest, and the licence may be subject to terms and conditions. Issuance
of licence

(1a)

- Expiration (1a) Every licence and renewal of licence expires on the 31st day of March in each year.
- R.S.O. 1960, c. 58, s. 6, subs. 3 (1962-63, c. 16, s. 1, subs. 2), re-enacted (2) Subsection 3 of the said section 6, as re-enacted by subsection 2 of section 1 of *The Collection Agencies Amendment Act, 1962-63*, is repealed and the following substituted therefor:
- Hearings (3) The registrar shall not refuse to grant nor refuse to renew a licence without giving the applicant an opportunity to be heard.
- Suspension and cancellation (3a) The registrar may, after giving the licensee an opportunity to be heard, suspend or cancel a licence for the breach of a term or condition upon which the licence was granted or where, in his opinion, to do so is in the public interest.
- R.S.O. 1960, c. 58, amended 5. *The Collection Agencies Act* is amended by adding thereto the following section:
- Advisory board 6a.—(1) The Attorney General shall appoint an advisory board consisting of such number of members as he deems appropriate and shall designate one of the members as chairman, and the members, other than the chairman, shall be persons licensed to carry on the business of collection agencies.
- Reference to advisory board (2) In determining the granting or refusal of an application for a licence or renewal of licence, or the cancellation or suspension of a licence, the registrar may, and shall when so requested in writing by the applicant or licensee, as the case may be, refer the matter to the advisory board, which shall hold a hearing and make a report to the registrar with such recommendations as it deems advisable.
- Quorum and powers (3) For the purpose of a hearing under subsection 2, the chairman and one member constitute a quorum, and the advisory board has and may exercise any of the powers that may be exercised under subsection 4 of section 23a by a person making an investigation.
- Further application 6b. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed.
- Reasons 6c. Where the registrar refuses to grant a registration or renewal of registration, or suspends or cancels a registration, he shall give to the person whose registration or right to registration is affected written reasons for his decision.

6. Section 7 of *The Collection Agencies Act* is amended by R.S.O. 1960, c. 58, s. 7, renumbering subsection 1 as subsection 1a and by adding amended thereto the following subsection:

- (1) Every applicant for a licence shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if delivered or sent by registered mail to the latest address for service so stated.

7. *The Collection Agencies Act* is amended by adding thereto the following section: R.S.O. 1960, c. 58, amended

19a.—(1) Where the registrar receives a complaint in respect of the carrying on of the business of a collection agency and so requests in writing, the person carrying on the business of a collection agency shall furnish the registrar with such information respecting the matter complained of as the registrar requires. Information

- (2) For the purposes of subsection 1, the registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any collection agency. Inspection of records

- (3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the collection agency, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. Access

8. Section 23 of *The Collection Agencies Act* is amended by R.S.O. 1960, c. 58, s. 23, striking out "Superintendent" in the second line and inserting amended in lieu thereof "Director".

9. *The Collection Agencies Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 58, amended

23a.—(1) Where upon a statement made under oath it appears probable to the Director that any person has, Investigations

- (a) contravened any of the provisions of this Act or the regulations; or

(b)

1953-54,
c. 51 (Can.)

- (b) committed an offence under the *Criminal Code* (Canada) that is relevant to his fitness to carry on business as a collection agency or to act as a collector,

the Director may by order appoint one or more persons to make such investigation as the Director deems expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

Investigation by order of Attorney General

- (2) Notwithstanding subsection 1, the Attorney General may by order appoint one or more persons to make an investigation into any matter relating to the business of collection agencies or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Attorney General.

Scope of investigation

- (3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person.

Power to take sworn evidence and summon witnesses

- (4) For the purposes of any such investigation, any person making the investigation,
- (a) may administer oaths to witnesses and require them to give evidence under oath; and
 - (b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

Seizure of property

- (5) Any person making any such investigation may seize and take possession of any documents, records, securities or other property belonging to the person whose affairs are being investigated and that relate to the subject-matter of the investigation.

- (6) The Attorney General or the Director may appoint ^{Accountants and other experts, appointment} an expert to examine documents, records, properties and matters of the person whose affairs are being investigated.
- (7) Every person appointed under subsection 1 shall ^{Report of investigation} report the result of his investigation or examination to the Director.
- 23b. Where upon the report of an investigation made ^{Report of investigation} under subsection 1 of section 23a it appears to the Director that any person may have,
- (a) contravened any of the provisions of this Act or the regulations; or
 - (b) committed an offence under the *Criminal* ^{1953-54, c. 51 (Can.)} Code (Canada) that is relevant to his fitness to carry on business as a collection agency or to act as a collector,

the Director shall make a full and complete report of the investigation to the Attorney General, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto.

- 23c. No person, without the consent of the Attorney ^{Information not to be disclosed} General, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under section 23a or the name of any witness examined or sought to be examined in such investigation.

23d.—(1) The Director may,

- (a) after an investigation of any person has been ^{Order to hold or refrain from dealing with funds} ordered under section 23a; or
- (b) where criminal proceedings or proceedings in respect of a contravention of this Act are about to be or have been instituted against any person that in the opinion of the Director are connected with or arise out of the business of a collection agency or collector,

in writing or by telegram, direct any person having on deposit or under control or for safe keeping any funds or securities of the person referred to in clause *a* or *b*, to hold such funds or securities or direct the person referred to in clause *a* or *b* to refrain from

withdrawing

withdrawing any such funds or securities from any other person having any of them on deposit, under control or for safe keeping or to hold such funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director in writing revokes such direction or consents to release any particular fund or security from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
c. 14

R.S.O. 1960,
cc. 197, 71

R.S.C. 1952,
c. 296

Bond in
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

R.S.O. 1960,
c. 168

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

Application
for
direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security, or in case of a claim being made thereto by a person not named in the direction, may apply to a local judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

R.S.O. 1960,
c. 58, s. 24,
re-enacted

10. Section 24 of *The Collection Agencies Act*, as amended by section 8 of *The Collection Agencies Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Notice of
direction,
decision,
etc.

24.—(1) The registrar shall serve upon any person who in the opinion of the registrar is affected thereby a notice of every direction, decision, order or ruling of the registrar.

- (2) Where a service under subsection 1 is made upon a ^{Service} person who is not a licensee, the service may be made by sending the notice by registered mail to the last-known address of the person to be served.

11. Section 25, as amended by section 9 of *The Collection Agencies Amendment Act, 1962-63*, section 26, section 27, as amended by section 10 of *The Collection Agencies Amendment Act, 1962-63*, section 28, as amended by section 11 of *The Collection Agencies Amendment Act, 1962-63*, section 29 and section 30, as amended by section 12 of *The Collection Agencies Amendment Act, 1962-63*, of *The Collection Agencies Act* are repealed and the following substituted therefor: ^{R.S.O. 1960, c. 58, ss. 25-29, re-enacted; s. 30, repealed}

- 25.—(1) Any person whose licence or right to a licence ^{Review} is affected by a decision of the registrar may, by notice in writing served upon the registrar within thirty days after the delivery of the notice under section 24, request a hearing and review of the matter by the Director.
- (2) Where a hearing and review are requested, the ^{Notice of hearing} Director shall serve notice upon the person who requested the review notifying him of the time and place of hearing, which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review.
- (3) Upon a review, the Director shall hear such evidence ^{Evidence} as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record.
- (4) Upon a review, the Director has and may exercise ^{Powers of Director on review} any of the powers that may be exercised under subsection 4 of section 23a by a person making an investigation.
- (5) Upon a review, the Director may confirm or revoke ^{Decision of Director} the decision of the registrar or may make any other decision he deems proper.
- (6) Notice of the decision of the Director made upon a ^{Notice of decision} review shall be served forthwith upon the person who requested the review, together with written reasons for his decision.

Appeal

26.—(1) Where the Director has reviewed a decision and given his decision upon the review, the person who requested the review may appeal to a justice of appeal of the Court of Appeal.

Form of appeal

(2) Every appeal shall be by notice of motion served upon the Director within thirty days after the delivery of the notice of decision under subsection 6 of section 25, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Material on appeal

(3) The Director shall certify to the Registrar of the Supreme Court,

(a) the decision that has been reviewed by him;

(b) his decision upon the review, together with his reasons therefor;

(c) the record of the review; and

(d) all written submissions to him and other material received by him in connection with the review.

Counsel

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Order for Director's decision

(5) Where an appeal is taken under this section, the judge may by his order direct the Director to make such decision as the Director is authorized to make under this Act and as the judge deems proper, and thereupon the Director shall act accordingly.

Appeal final

(6) The order of the judge is final but a further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed.

Right to counsel

27. Every person whose licence or right to be licensed may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing.

Offences

28.—(1) Every person who,

(a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b)

(b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or

(c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Attorney General. Consent of Attorney General

(4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Director. Limitation

29. A statement as to,

Certificate
as evidence

(a) the licensing or non-licensing of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the registrar;

(c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(d) any other matter pertaining to such licensing, non-licensing, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Collection Agencies Amendment Act, 1964*. Short title

CHAPTER 8

An Act to amend The Commissioners for taking Affidavits Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 59, s. 2, subs. 3, re-enacted

(3) The clerk, deputy clerk and treasurer of every municipality are *ex officio* commissioners for taking affidavits, Municipal clerks and treasurers

(a) in the case of a county, in the county; or

(b) in the case of a municipality other than a county, in the county in which the municipality is situate.

(3a) In every local municipality having a population of 100,000 or more, the administrative head of any department responsible for building standards, welfare, assessment or planning and his deputy and the medical officer of health are *ex officio* commissioners for taking affidavits in the county in which the municipality is situate for the purposes of the affairs of the municipality. Heads of departments, etc.

2.—(1) Section 6 of *The Commissioners for taking Affidavits Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 59, s. 6, amended

(1a) Upon application therefor and payment of the prescribed fee, Appointment of officials of corporations

(a) the secretary and treasurer of each corporation with share capital or incorporated under Part V of *The Corporations Act* that has its head office in Ontario; and R.S.O. 1960, c. 71

(b)

(b) the principal officer in each branch office in Ontario of a corporation with share capital or incorporated under Part V of *The Corporations Act*,

may be appointed commissioners for taking affidavits in Ontario for the purposes of the affairs of the corporation.

R.S.O. 1960,
c. 59, s. 6,
subs. 4,
repealed

(2) Subsection 4 of the said section 6 is repealed.

R.S.O. 1960,
c. 59,
amended

3. *The Commissioners for taking Affidavits Act* is amended by adding thereto the following section:

Limitations
to be
stated

6a. Every commissioner whose commission is limited in its duration or as to territory or purpose shall indicate the limitation by means of a stamp approved by the Inspector of Legal Offices affixed under his signature.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1964*.

CHAPTER 9

An Act to amend The Conveyancing and Law of Property Act

Assented to, except section 1, March 25th, 1964

Section 1 assented to May 8th, 1964

Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 66,
amended

1a. Section 43 of *The Clergy Endowments (Canada) Act, 1791* (Imperial) and sections 31 and 32 of *The British North America (Trade and Lands) Act, 1822* (Imperial), as they applied in Ontario on the day before the day on which they were repealed, continue in effect in Ontario in the same manner and to the same extent as if they had been expressly enacted as part of this Act and had not been repealed. Free and
common
socage, fief,
seignory, etc.
31 Geo. 3
(Imp.),
c. 31, s. 43;
3 Geo. 4
(Imp.),
c. 119,
ss. 31, 32,
continue
to apply

2. Section 39 of *The Conveyancing and Law of Property Act* is amended by striking out "reversionary" in the second line and inserting in lieu thereof "reversionary", so that the section shall read as follows: R.S.O. 1960,
c. 66, s. 39,
amended

39. No purchase made in good faith and without fraud of any reversionary interest in property shall be opened or set aside on the ground of undervalue. Rule as to
purchases of
reversions

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 comes into force on the day on which the repeal of the provisions mentioned therein becomes effective. Idem

4. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1964*. Short title

CHAPTER 10

An Act to amend The Corporations Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 71,
amended

21a. Notwithstanding subsection 1 of section 20 and section 21, a company may use its name in such form and in such language as the letters patent or supplementary letters patent provide. Use of
name

2. Subsection 2 of section 82 of *The Corporations Act* is amended by adding at the end thereof "in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period", so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 82,
subs. 2,
amended

(2) The auditor shall make a report to the shareholders on the financial statement to be laid before the company at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the company and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period. Auditor's
report

3.—(1) Subsection 1 of section 116 of *The Corporations Act* is amended by adding at the commencement thereof "Section 21a". R.S.O. 1960,
c. 71, s. 116,
subs. 1,
amended

(2) The said section 116 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 71, s. 116,
amended

(1a)

Charitable
corporation

(1a) Notwithstanding subsection 1, in the case of a corporation to which this Part applies the objects of which are exclusively for charitable purposes, it is sufficient notice of any meeting of the members of the corporation if notice is given by publication at least once a week for two consecutive weeks next preceding the meeting in a newspaper or newspapers circulated in the municipality or municipalities in which the majority of the members of the corporation reside as shown by their addresses on the books of the corporation.

R.S.O. 1960,
c. 71, s. 143,
subs. 4,
(1962-63,
c. 24, s. 4),
repealed

4. Subsection 4 of section 143 of *The Corporations Act*, as enacted by section 4 of *The Corporations Amendment Act*, 1962-63, is repealed.

R.S.O. 1960,
c. 71, s. 208,
subs. 11,
cl. a,
amended

5.—(1) Clause *a* of subsection 11 of section 208 of *The Corporations Act* is amended by inserting after “insurance” in the third line “except that, subject to subsection 7 and to clause *c* of this subsection, an insurer licensed to transact the business of life insurance may invest its life insurance funds in the shares of a company transacting the business of insurance other than life insurance”, so that the clause shall read as follows:

(a) invest in or loan its funds upon the security of its own shares or the shares of a company transacting the business of insurance, except that, subject to subsection 7 and to clause *c* of this subsection, an insurer licensed to transact the business of life insurance may invest its life insurance funds in the shares of a company transacting the business of insurance other than life insurance; or

.

R.S.O. 1960,
c. 71, s. 208,
subs. 11,
cl. c,
amended

(2) Clause *c* of subsection 11 of the said section 208 is amended by striking out “10 per cent” in the fifth and sixth lines and inserting in lieu thereof “20 per cent of the common shares or 20 per cent”, so that the clause shall read as follows:

(c) except as to securities of or guaranteed by the Government of Canada, or the government of a province of Canada, or a municipal corporation in Canada, make any investment the effect of which will be that such insurer will hold more than 20 per cent of the common shares or 20 per cent of the total issue of shares of any one company; or

.

6. Section 290 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 71, s. 290,
amended

- (2a) Where the location of the head office of a corporation is changed by reason only of the annexation or amalgamation of the place in which the head office is situate to or with another municipality, such change does not constitute and has never constituted a change within the meaning of subsection 2. Where
municipality
annexed or
amalgama-
mated

7. Section 302 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 71, s. 302,
amended

- (2a) Notwithstanding subsections 1 and 2, in the case of a corporation without share capital, if the letters patent, supplementary letters patent or by-laws so provide, the officers of the corporation or any of them may be elected or appointed at a general meeting of the members duly called for that purpose. Corporations
without
share
capital

8.—(1) Subsection 2 of section 326 of *The Corporations Act* is amended by striking out “three years” in the second line and inserting in lieu thereof “one year”, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 326,
subs. 2,
amended

- (2) Where it appears that a corporation is in default for a period of one year in filing its annual returns under *The Corporations Information Act* or a predecessor thereof and that notice of such default has been sent by registered mail to each director of record in the office of the Provincial Secretary to his last address shown on the records of that office and has been published once in *The Ontario Gazette*, the Lieutenant Governor may by order, Termination
of existence
on default
of filing
returns
R.S.O. 1960,
c. 72

(a) cancel the letters patent of the corporation and declare it to be dissolved on such date as the order fixes; or

(b) declare the corporate existence of the corporation, if it was incorporated otherwise than by letters patent, to be terminated and the corporation to be dissolved on such date as the order fixes.

(2) Subsection 3 of the said section 326 is amended by striking out “three years” in the third line and inserting in lieu thereof “one year”, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 326,
subs. 3,
amended

Revival

- (3) Where a corporation has been or is dissolved under subsection 2, the Lieutenant Governor, on the application of any interested person made within one year after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation shall, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, be restored to its legal position, including all its property, rights, privileges and franchises, and be subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

- 9.** This Act comes into force on the day it receives Royal Assent.

Short title

- 10.** This Act may be cited as *The Corporations Amendment Act, 1964*.

CHAPTER 11

An Act to amend The Corporations Tax Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 73,
amended

1a.—(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout the sixty-day period immediately preceding that fiscal year or, if the corporation did not have a preceding fiscal year, throughout the sixty-day period commencing on the first day of the fiscal year, Where
corporation
has degree
of Canadian
ownership

(a) the corporation complied with the following conditions:

- (i) the corporation was resident in Canada,
- (ii) either,

(A) not less than 25 per cent of the issued shares of the corporation having full voting rights under all circumstances were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof,

or

(B) the shares of the corporation having full voting rights under all circumstances were listed on a prescribed stock exchange in Canada, and it is established in

prescribed

prescribed manner that no one non-resident shareholder of the corporation owned more than 75 per cent of the shares of the corporation, having full voting rights under all circumstances, alone or in combination with any other person related to him at any time within the period within the meaning of subsection 3 or 4 of section 1, and

- (iii) where the fiscal year commences after the 31st day of December, 1964, the number of directors who were resident in Canada was not less than 25 per cent of the total number of directors of the corporation; or
- (b) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary wholly-owned corporation subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a*.

Idem

(2) For the purposes of this section,

- (a) a corporation is controlled in Canada at a particular time if at that time the corporation is resident in Canada and more than 50 per cent of its issued shares having full voting rights under all circumstances are owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof;
- (b) a non-resident person who has a right under a contract in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation shall be deemed to own those shares, and any other person who actually owns the shares in respect of which the non-resident person has such a right shall be deemed not to own those shares;
- (c) where shares are owned by a trustee resident in Canada, the shares shall be deemed not to be owned by a person resident in Canada

unless

unless it is established that each beneficiary under the trust is an individual resident in Canada; and

- (d) where, during any relevant sixty-day period referred to in subsection 1, a director of a corporation who is resident in Canada dies and within sixty days thereafter another person who is resident in Canada is appointed or elected to be a director of the corporation, such other person shall be deemed to have become such a director immediately upon the death of the deceased director.

- (3) In the case of any fiscal year of a corporation commencing before the 1st day of May, 1964, that portion of subsection 1 that precedes clause *a* thereof shall, if the corporation elects in prescribed manner on or before the 1st day of May, 1964, be read as follows: Idem

- (1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of May, 1964,

2.—(1) Clause *a* of section 17 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 17,
cl. *a*,
re-enacted

- (a) amounts received in the fiscal year as, on account or in lieu of payment of, or in satisfaction of, dividends dividends

- (aa) amounts received in the fiscal year as annuity payments. annuity
payments

(2) The said section 17, as amended by section 5 of *The Corporations Tax Amendment Act, 1961-62* and section 2 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out “and” at the end of clause *i* in the amendment of 1962-63, by adding “and” at the end of clause *j* in the amendment of 1962-63 and by adding thereto the following clause: R.S.O. 1960,
c. 73, s. 17,
amended

- (k) an amount that is included in computing the income of the corporation under Part I of the *Income Tax Act* (Canada) pursuant to section 138A of that Act. Dividend
stripping
R.S.C. 1952,
c. 148

R.S.O. 1960,
c. 73, s. 18,
amended

3. Section 18 of *The Corporations Tax Act*, as amended by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Idem

(5) Subsection 1 does not apply to any amount received by a corporation in a fiscal year,

(a) as an annuity payment;

(b) as a refund of premiums or contributions paid by the holder of a life annuity contract, as defined by the regulations, upon the death of such holder; or

(c) in satisfaction of the rights of the corporation under a life annuity contract, as defined by the regulations, that was entered into before the 14th day of June, 1963.

R.S.O. 1960,
c. 73, s. 23,
subs. 1,
amended

4. Subsection 1 of section 23 of *The Corporations Tax Act*, as amended by section 8 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following clause:

manage-
ment fee

(i) the amount of a management or administration fee or charge paid or credited, or deemed to be paid or credited, to a non-resident person to the extent that such amount is subjected to taxation under paragraph a of subsection 1 of section 106 of the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

R.S.O. 1960,
c. 73, s. 28,
repealed

5. Section 28 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73, s. 31,
subss. 9, 10
(1960-61,
c. 14, s. 3),
repealed

6. Subsections 9 and 10 of section 31 of *The Corporations Tax Act*, as enacted by section 3 of *The Corporations Tax Amendment Act, 1960-61*, are repealed.

R.S.O. 1960,
c. 73, s. 39,
subs. 2,
cl. a
re-enacted

7.—(1) Clause a of subsection 2 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

(a) between the end of that preceding fiscal year and the end of the taxation year,

(i) more than 50 per cent of the shares in the capital stock of the corporation have been acquired, before the 14th day of June, 1963, by a person or persons who did not, at the end of that preceding fiscal year, own any of the shares in the capital stock of the corporation, or

(ii)

- (ii) control of the corporation has been acquired after the 13th day of June, 1963, by a person or persons who did not, at the end of that preceding fiscal year, control the corporation; and

.

(2) The said section 39 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 39,
amended

(2a) Paragraph 3 of subsection 1 does not apply to permit Idem
a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, a business loss sustained by it in a preceding fiscal year from the carrying on of a business if, during that preceding fiscal year,

(a) the business of the corporation in which the loss was sustained was wound up or discontinued; and

(b) control of the corporation was acquired,

(i) after the winding-up or discontinuation of the business, and

(ii) after the 13th day of June, 1963,

by a person or persons who did not control the corporation at any time during the preceding fiscal year when the business was being carried on.

8. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 73,
amended

42a.—(1) Where a corporation has become a bankrupt, the following rules are applicable: Where
corporation
bankrupt

1. The trustee in bankruptcy shall be deemed to be the agent of the bankrupt for all purposes of this Act.
2. The estate of the bankrupt shall be deemed not to be a trust or an estate for the purposes of this Act.
3. The income and the taxable income of the corporation for any fiscal year of the corpora-

tion

tion during which it was a bankrupt and for any subsequent fiscal year shall be calculated as if,

- (a) the property of the bankrupt did not pass to and vest in the trustee in bankruptcy on the receiving order being made or the assignment filed but remained vested in the bankrupt; and
 - (b) any dealing in the estate of the bankrupt or any act performed in the carrying on of the business of the bankrupt estate by the trustee was done as agent on behalf of the bankrupt and any income of the trustee from such dealing or carrying on is income of the bankrupt and not of the trustee.
4. A fiscal year of the corporation shall be deemed to have commenced on the day the corporation became a bankrupt and a fiscal year of the corporation that would otherwise have ended after the corporation became a bankrupt shall be deemed to have ended on the day immediately before the day on which the corporation became a bankrupt.
5. Where, in the case of any fiscal year of the corporation ending during the period the corporation is a bankrupt, the corporation fails to pay the tax payable by the corporation under this Act for any such fiscal year, the corporation and the trustee in bankruptcy are jointly and severally liable to pay the tax, except that,
- (a) the trustee is only liable to the extent of the property of the bankrupt in his possession; and
 - (b) payment by either of them shall discharge the joint obligation.
6. Where an absolute order of discharge is granted in respect of the corporation, for the purpose of paragraph 3 of subsection 1 of section 39, business losses sustained by the corporation in any fiscal year preceding the year in which the order of discharge was

granted

granted are not deductible by the corporation in computing its taxable income for the fiscal year of the corporation in which the order was granted or any subsequent fiscal year.

- (2) In this section, "bankrupt" and "estate of the bankrupt" have the meaning given to those expressions by the *Bankruptcy Act* (Canada). Interpre-
tation
R.S.C. 1952,
c. 14

9. Subsection 3 of section 47 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 3
(1962-63,
c. 26, s. 6,
subs. 3),
re-enacted

- (3) No deduction may be made under this section or section 47a in respect of an expenditure made to acquire rights in, or arising out of, scientific research. Deductions

- (3a) Where in respect of an expenditure on scientific research made by a corporation in a fiscal year an amount is deductible under this section and under section 39, no deduction may be made in respect of the expenditure under section 39 in computing the income of the taxpayer for any fiscal year. Idem

10.—(1) Subsection 3 of section 47a of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47a
(1962-63,
c. 26, s. 7),
subs. 3,
re-enacted

- (3) For the purposes of subsections 1 and 2, the base scientific expenditure of a corporation is an amount equal to, Base
scientific
expenditure
defined

- (a) the aggregate of all expenditures of a current or capital nature, by acquiring property other than land, made in Canada by the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962, on scientific research related to the business of the corporation,

minus

- (b) any amount paid to the corporation in the fiscal year referred to in clause a as described in subclause ii of clause b of subsection 1,

but, where the corporation had no fiscal year that ended before the 11th day of April, 1962, its base scientific expenditure is nil.

R.S.O. 1960,
c. 37, s. 47*a*
(1962-63,
c. 26, s. 7),
amended

(2) The said section 47*a* is amended by adding thereto the following subsection:

Idem

(6) For the purpose of clause *a* of subsection 1, an expenditure of a capital nature made by a corporation in the fiscal year on scientific research does not include any expenditure made by the corporation in that fiscal year for the acquisition, from another corporation associated with the corporation in the fiscal year, of facilities for the prosecution of scientific research.

R.S.O. 1960,
c. 73, s. 57,
subs. 3*b*
(1962-63,
c. 26, s. 8,
subs. 5),
amended

11.—(1) Subsection 3*b* of section 57 of *The Corporations Tax Act*, as enacted by subsection 5 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by striking out “or” at the end of clause *d*, by adding “or” at the end of clause *e* and by adding thereto the following clause:

(*ea*) operating a pipe line for the transmission of oil or natural gas.

R.S.O. 1960,
c. 73, s. 57,
amended

(2) The said section 57, as amended by section 6 of *The Corporations Tax Amendment Act, 1960-61*, section 19 of *The Corporations Tax Amendment Act, 1961-62* and section 8 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Application
to pipe line
corporations

(3*ba*) In its application to any corporation described in clause *ea* of subsection 3*b*, clause *f* of subsection 3*b* shall be read and construed as though there were substituted for the expression “10th day of April, 1962”, where it appears therein, the expression “13th day of June, 1963”.

R.S.O. 1960,
c. 73, s. 57,
subs. 4*a*
(1962-63,
c. 26, s. 8,
subs. 6),
re-enacted

(3) Subsection 4*a* of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Limitation
re payments
for exploration
and
drilling
rights

(4*a*) In computing a deduction under subsection 1 or 3, no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas, acquired before the 11th day of April, 1962, other than an annual payment not exceeding \$1 per acre.

R.S.O. 1960,
c. 73, s. 72,
amended

12. Section 72 of *The Corporations Tax Act* is amended by adding thereto the following subsection:

Statements
or omissions
in return

(4) Where a person, acting or purporting to act on behalf of a corporation, knowingly or under circumstances amounting to gross negligence in the carrying out of

any duty or obligation imposed by or under this Act has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations, as a result of which the tax that would have been payable by the corporation for a fiscal year, if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer, is less than the tax payable by the corporation for the fiscal year, the corporation is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable by the corporation for the fiscal year.

13. Subsection 2 of section 74 of *The Corporations Tax Act* ^{R.S.O. 1960, c. 73, s. 74, subs. 2, amended} is amended by striking out "or other subject" in the third line and inserting in lieu thereof "and other subject of tax", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Every corporation on which a tax is imposed by this Act shall pay the tax, as estimated by the corporation on its taxable income and other subject of tax for the last preceding fiscal year or for the fiscal year in respect of which the tax is payable, at the rates applicable for the last-mentioned fiscal year, in four equal instalments, ^{Dates of payment}

14.—(1) Section 9 and subsection 3 of section 11 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years. ^{Application of s. 9, s. 11, subs. 3}

(2) Section 10 applies in respect of fiscal years of corporations ending in 1962 to 1966, each inclusive. ^{Idem, s. 10}

(3) Sections 1, 2, 3, 4, 5 and 7, subsections 1 and 2 of section 11 and sections 12 and 13 apply in respect of fiscal years of corporations ending in 1963 and subsequent fiscal years. ^{Idem, ss. 1-5, 7, s. 11, subss. 1, 2, ss. 12, 13}

(4) Except as provided by subsection 5, section 5 applies in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years. ^{Idem, s. 5}

(5) Where a lease option agreement, a hire-purchase agreement or other contract or arrangement for the leasing of or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the

property

property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired, hereinafter in this subsection referred to as the "lessee", or in any person with whom the lessee does not deal at arm's length, was entered into before the 1963 fiscal year of the lessee,

R.S.O. 1960,
c. 73

(a) if the contract or arrangement was determined before the 1963 fiscal year of the lessee with the property having vested before that date in the lessee or in any other person with whom the lessee did not deal at arm's length and, but for section 5 and subsection 4 of this section, section 28 of *The Corporations Tax Act* would apply in computing the capital cost to the lessee of the property for the purpose of determining the amount that is deductible by the lessee pursuant to clause *a* of subsection 2 of section 22 in computing its income for its 1963 fiscal year, for the purpose of a deduction under clause *a* of subsection 2 of section 22 and for the purpose of section 31 the provisions of section 28 of *The Corporations Tax Act* shall apply; and

(b) if the contract or arrangement was not determined or rescinded before the 1963 fiscal year of the lessee and, but for section 5 and subsection 4 of this section, section 28 of *The Corporations Tax Act* would apply in computing the capital cost to the lessee of the property for the purpose of determining the amount that is deductible by the lessee pursuant to clause *a* of subsection 2 of section 22 in computing its income for its 1963 fiscal year, the amount, if any, by which,

(i) the aggregate of all amounts paid by the lessee before the 1963 fiscal year under the contract or arrangement on account of rent or other consideration that have not been deducted in computing the income of the lessee for a fiscal year,

exceeds,

(ii) the aggregate of all amounts in respect of the property deducted by it under clause *a* of subsection 2 of section 22 in computing its income for fiscal years before its 1963 fiscal year,

may be deducted in computing its income for the 1963 fiscal year.

(6) Sections 6 and 8 apply in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years. ^{Idem, ss. 6, 8}

15. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

16. This Act may be cited as *The Corporations Tax Amendment Act, 1964*. ^{Short title}

CHAPTER 12

An Act to amend The County Courts Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 7,
re-enacted

7.—(1) Subject to subsection 2, the clerk shall tax costs, Taxation of
costs on
Supreme
Court scale
 subject to an appeal to the judge.

(2) Where costs are awarded on the Supreme Court Idem
 scale, the party entitled thereto may require the
 costs to be taxed,

(a) in actions pending in the county courts of the
 counties of Carleton, Lanark, Leeds and
 Grenville, Stormont, Dundas and Glengarry,
 Russell, Renfrew or Prescott, by the taxing
 officer at Toronto or the local taxing officer
 at Ottawa;

(b) in actions pending in the county courts of the
 counties of Middlesex, Lambton, Elgin, Ox-
 ford or Perth, by the taxing officer at Toronto
 or the local taxing officer at London;

(c) in actions pending in all other county and
 district courts, by the taxing officer at Toronto.

(3) The taxing officer at Toronto has power to tax costs Powers of
taxing
officers
 required to be taxed under subsection 2, and, for the
 purposes of taxations required under subsection 2,
 the local taxing officers at Ottawa and London have
 the same powers as the taxing officer at Toronto.

(4) An appeal lies to a Supreme Court judge in chambers Appeals
 from any certificate of a taxation required under sub-
 section 2.

(5)

Practice

(5) The practice on taxations and appeals therefrom and the fees payable thereon shall be the same as in the Supreme Court.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The County Courts Amendment Act, 1964*.

CHAPTER 13

An Act to amend The County Judges Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 3, as amended by section 2 of *The County Judges Amendment Act*, 1961-62, is further amended by striking out "fourteen" in the amendment of 1961-62 and inserting in lieu thereof "sixteen", so that the subsection shall read as follows:

(1) In addition to the judges mentioned in section 1^{Additional judges} and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding sixteen in number, may be appointed,

(a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(b) for the county and district courts of the counties and districts of Ontario.

2. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

3. This Act may be cited as *The County Judges Amendment Act*, 1964.^{Short title}

CHAPTER 14

An Act to amend The Credit Unions Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Credit Unions Act*, as amended by R.S.O. 1960, c. 79, s. 1, amended section 1 of *The Credit Unions Amendment Act, 1960-61*, is further amended by adding thereto the following clauses:

(aa) “auditor” means a public accountant licensed under *The Public Accountancy Act*; R.S.O. 1960, c. 317

.

(ba) “Director” means the Director of the Registration and Examination Branch of the Department of the Attorney General.

(2) Clause *j* of the said section 1 is repealed. R.S.O. 1960, c. 79, s. 1, cl. j, repealed

2. Section 3 of *The Credit Unions Act* is amended by R.S.O. 1960, c. 79, s. 3, amended striking out “Superintendent” in the fifth line and inserting in lieu thereof “Director”.

3. Subsection 4 of section 6 of *The Credit Unions Act* is R.S.O. 1960, c. 79, s. 6, subs. 4, amended amended by striking out “Superintendent” in the third line and inserting in lieu thereof “Director”.

4. Section 10 of *The Credit Unions Act* is repealed and the R.S.O. 1960, c. 79, s. 10, re-enacted following substituted therefor:

10. A corporation that is subject to this Act may, by Power to hold real estate by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its business and may sell, mortgage or dispose of it, and, with the written consent of the Director, may lease, acquire or construct a building larger than is required for the transaction of its business, and lease any part of the building not so required.

R.S.O. 1960,
c. 79,
amended

5.—(1) *The Credit Unions Act* is amended by adding thereto the following section:

Negotiable
orders

27a.—(1) Where the combined share capital and the deposits of a credit union exceed \$100,000 and it has appointed an auditor under subsection 11 of section 32 and it has an accounting system satisfactory to the Director and its board of directors has authorized the practice, it may, so long only as the Director approves in writing, permit its members to use negotiable orders for the withdrawal of moneys on deposit.

Liquid
assets

(2) Any credit union to which the Director has given his approval under subsection 1 shall not make any loan and shall not invest in funds otherwise than in government securities and municipal securities if the aggregate of,

(a) its cash on hand or on deposit in chartered banks, the Province of Ontario Savings Office, trust companies, leagues under this Act, or co-operative credit societies subject to the *Co-operative Credit Associations Act* (Canada); and

(b) the face value of its investments in bonds and debentures of or guaranteed by the Government of Canada or any province thereof or by a municipal corporation in Canada, excluding any such investments that are pledged as security for money borrowed by the credit union,

is less than 20 per cent of the amount of money deposited with the credit union that is withdrawable by negotiable order.

Revocation
of approval

(3) The Director may at any time revoke any approval given under subsection 1.

Application
to existing
practices

(2) Notwithstanding subsection 1, a credit union that is permitting its members to use negotiable orders for the withdrawal of moneys on deposit immediately before subsection 1 comes into force may continue the use of such orders until the 1st day of July, 1965.

R.S.O. 1960,
c. 79,
amended

6. *The Credit Unions Act* is amended by adding thereto the following section:

27b.—(1) No officer or employee of a credit union shall permit any withdrawal of moneys from the deposit or share account of a member unless the amount in such deposit or share account is equal to or in excess of the amount sought to be withdrawn, and any such officer or employee who contravenes this subsection is guilty of an offence under this Act. Overdrafts prohibited

(2) No credit union shall accept any general authorization to transfer moneys from a member's share account or other account to a deposit account from which withdrawals by negotiable orders may be made, but may make such transfers only upon the express authorization of the member in writing given in each case. General authorizations to transfer moneys prohibited

(3) Nothing in this section curtails, abridges, defeats or otherwise affects any remedy for the recovery from a member of any amount withdrawn in excess of the amount standing to his credit in his deposit or share account. Remedies not affected

7.—(1) Subsection 1 of section 28 of *The Credit Unions Act* R.S.O. 1960, c. 79, s. 28, subs. 1, amended is amended by adding at the commencement thereof "Subject to subsection 5", so that the subsection shall read as follows:

(1) Subject to subsection 5, every credit union shall set aside at least 20 per cent of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectable loans and losses, but, where at the close of any fiscal year the amount set aside for the guarantee fund equals at least 10 per cent of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year. Guarantee fund

(2) The said section 28 is amended by adding thereto the following subsections: R.S.O. 1960 c. 79, s. 28, amended

(5) The directors of a credit union whose combined share capital and deposits exceed \$500,000 and whose guarantee fund equals at least 5 per cent of the total amount received from members on deposit and as payment for shares may, with the approval in writing of the Director and with the approval of two-thirds of the members present at an annual or special meeting, direct that no moneys or that a sum less than that required by subsection 1 be set aside for the guarantee fund. Idem

Withdrawal
of consent

(6) The Director may at any time revoke or alter any approval given under subsection 5.

R.S.O. 1960,
c. 79, s. 35,
subs. 2,
amended

8. Subsection 2 of section 35 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fourth line and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 48,
subs. 1,
amended

9.—(1) Subsection 1 of section 48 of *The Credit Unions Act*, as amended by section 6 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 48,
subs. 2,
amended

(2) Subsection 2 of the said section 48 is amended by striking out "Superintendent" in the second line and in the second and third lines and inserting in lieu thereof in each instance "Director".

R.S.O. 1960,
c. 79, s. 48,
subs. 3,
amended

(3) Subsection 3 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 48,
subs. 4,
amended

(4) Subsection 4 of the said section 48 is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 48,
subs. 5,
amended

(5) Subsection 5 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 50,
subs. 3,
amended

10.—(1) Subsection 3 of section 50 of *The Credit Unions Act*, as amended by subsection 2 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 50,
subs. 4,
amended

(2) Subsection 4 of the said section 50, as amended by subsection 3 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 50,
subs. 5,
amended

(3) Subsection 5 of the said section 50, as amended by subsection 4 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 79, s. 51,
subs. 1,
amended

11.—(1) Subsection 1 of section 51 of *The Credit Unions Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

(2) Subsection 2 of the said section 51 is amended by striking out "Superintendent" in the first line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Director". R.S.O. 1960, c. 79, s. 51, subs. 2, amended

(3) Subsection 3 of the said section 51 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 51, subs. 3, amended

12.—(1) Subsection 1 of section 52 of *The Credit Unions Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 1, amended

(2) Subsection 4 of the said section 52 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 4, amended

13.—(1) Subsection 2 of section 54 of *The Credit Unions Act* is amended by striking out "Superintendent" in the eighth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 2, amended

(2) Subsection 3 of the said section 54 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 3, amended

(3) Subsection 5 of the said section 54 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 5, amended

14. Subsection 4 of section 55 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 55, subs. 4, amended

15. Subsection 6 of section 56 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 56, subs. 6, amended

16.—(1) Subsection 3 of section 57 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 3, amended

(2) Subsection 4 of the said section 57 is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 4, amended

(3) Subsection 5 of the said section 57 is amended by striking out "Superintendent" in the sixth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 5, amended

R.S.O. 1960,
c. 79, s. 57,
subs. 7,
amended

(4) Subsection 7 of the said section 57 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director".

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Credit Unions Amendment Act, 1964*.

CHAPTER 15

An Act to amend The Crown Attorneys Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Crown Attorneys Act* is amended ^{R.S.O. 1960} by adding at the end thereof “and such Crown attorneys and ^{c. 82, s. 1,} assistant Crown attorneys for the Province as he considers ^{amended} necessary”, so that subsection 1 of the said section shall read as follows:

(1) The Lieutenant Governor in Council may appoint ^{Appoint-} a Crown attorney for each county and for each ^{ment} provisional judicial district and such Crown attorneys and assistant Crown attorneys for the Province as he considers necessary.

(2) The said section 1 is further amended by adding thereto ^{R.S.O. 1960,} the following subsection: ^{c. 82, s. 1,} ^{amended}

(2) The Crown attorneys and assistant Crown attorneys ^{Special} appointed for the Province shall act anywhere in ^{Crown} the Province as directed by the Director of Public ^{attorneys} Prosecutions.

2. Section 12 of *The Crown Attorneys Act* is amended by ^{R.S.O. 1960,} adding thereto the following subsection: ^{c. 82, s. 12,} ^{amended}

(2) Subsection 1 does not apply to part-time assistant ^{Exception} Crown attorneys.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Crown Attorneys Amend-* ^{Short title} *ment Act, 1964.*

CHAPTER 16

An Act to amend The Crown Timber Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Crown Timber Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 83, s. 1,
amended

(ja) "productive lands" means lands that are not rock barrens, muskeg or lands covered with water;

(jb) "professional forester" means a person registered under *The Ontario Professional Foresters Association Act, 1957*. 1957, c. 149

2. Subsection 4 of section 2 of *The Crown Timber Act* is amended by striking out "If the cutting of the timber in respect of which a licence is granted is not completed during the term of the licence" in the first, second and third lines and inserting in lieu thereof "Where a licence has been granted under subsection 2 and the cutting of the timber authorized by the licence was not completed before the licence expired" and by striking out "further" in the third line, so that the subsection shall read as follows: R.S.O. 1960,
c. 83, s. 2,
subs. 4,
amended

(4) Where a licence has been granted under subsection 2 and the cutting of the timber authorized by the licence was not completed before the licence expired, the Minister may renew the licence for one term not exceeding three years, subject to such terms and conditions as are prescribed by the regulations and subject to such other terms and conditions as he deems proper and that are not inconsistent with the regulations. Renewal of
licence

3.—(1) Section 3 of *The Crown Timber Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 83, s. 3,
amended

(1a)

Renewal of
licence

- (1a) Where a licence has been granted under subsection 1 and the cutting of the timber authorized by the licence was not completed before the licence expired, the Minister may renew the licence for one term of one year, subject to the same terms and conditions as were contained in the licence.

R.S.O. 1960,
c. 83, s. 3,
subs. 2,
amended

- (2) Subsection 2 of the said section 3 is amended by inserting after "subsection 1" in the second line "or renewed under subsection 1a", so that the subsection, exclusive of the clauses, shall read as follows:

Terms and
conditions

- (2) Where a licence to cut Crown timber is granted under subsection 1 or renewed under subsection 1a, the Minister may,

.

R.S.O. 1960,
c. 83, s. 6,
subs. 1,
re-enacted

4. Subsection 1 of section 6 of *The Crown Timber Act* is repealed and the following substituted therefor:

Areas to
be stated

- (1) Every licence shall state the total area of the lands comprised therein and the area of the productive lands and the area of the unproductive lands included in such total area.

R.S.O. 1960,
c. 83, s. 24,
re-enacted

5. Section 24 of *The Crown Timber Act* is repealed and the following substituted therefor:

Management
plans

- 24.—(1) Every licensee shall, when required by the Minister, furnish within such period as is fixed by the Minister a management plan,

(a) consisting of a report, inventory, maps and an operating plan prepared in conformity with the manual of management plan requirements authorized by the Minister; and

(b) prepared under the supervision of a professional forester and certified by him in the following form:

I hereby certify that this plan has been prepared under my personal supervision and that all field work and calculations have been carried out to the best of my skill and judgment in accordance with the manual of management plan requirements.

When
operating
plan to be
furnished

- (2) Every licensee who is not required to submit a management plan under subsection 1 shall, when required by the Minister and within such period as

is fixed by the Minister, furnish an operating plan showing the proposed operations and a statement of the purpose for which the timber is to be used.

- (3) The Minister may approve a management plan or operating plan as submitted to him or may approve it with such alterations therein as he deems advisable. Approval of plans
- (4) A licensee shall conduct all operations on his licensed area in accordance with the approved management plan or operating plan, as the case may be. Management of the area according to plan
- (5) Where a licensee fails to furnish a management plan or an operating plan, as the case may be, within the period fixed by the Minister, the Minister may cause the plan to be prepared, and the cost thereof shall be a claim of the Crown in connection with the licensed area. Plans not submitted on time

6. Subsection 2 of section 25 of *The Crown Timber Act* is R.S.O. 1960, c. 83, s. 25, amended amended by striking out "master plan, the master plan" in the fourth line and inserting in lieu thereof "management plan or operating plan, the management plan or the operating plan, as the case may be", so that the subsection shall read as follows:

- (2) The Minister may approve an annual plan or may approve it with such alterations as he deems advisable, and, where the alterations involve the alteration of an approved management plan or operating plan, the management plan or the operating plan, as the case may be, shall be deemed to be altered accordingly. Alteration of plan

7.—(1) Subsection 1 of section 26 of *The Crown Timber Act* R.S.O. 1960, c. 83, s. 26, amended is amended by striking out "master" in the third line and inserting in lieu thereof "management plan or operating", so that the subsection shall read as follows:

- (1) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Lieutenant Governor in Council, having regard to reasonable business requirements of the licensee, may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him. Preservation of forests, etc.

(2) Subsection 2 of the said section 26 is amended by R.S.O. 1960, c. 83, s. 26, amended striking out "master" in the second line and inserting in lieu thereof "management plan or operating", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

- (2) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Minister may,

R.S.O. 1960,
c. 83, s. 31,
re-enacted

8. Section 31 of *The Crown Timber Act* is repealed and the following substituted therefor:

Manual of
management
plan require-
ments
authorized

31. The Minister may authorize a manual of management plan requirements prescribing the method of preparing management plans, operating plans, annual plans, and inventories, and the form thereof.

R.S.O. 1960,
c. 83, s. 36,
subs. 2,
re-enacted

9.—(1) Subsection 2 of section 36 of *The Crown Timber Act* is repealed and the following substituted therefor:

Term

- (2) Every scaler's licence expires with the 31st day of March of the third year after the 31st day of March that preceded the date of issue.

R.S.O. 1960,
c. 83, s. 36,
subs. 3,
amended

(2) Subsection 3 of the said section 36 is amended by striking out "on the 31st day of March next following the date thereof" in the fourth and fifth lines and inserting in lieu thereof "with the 31st day of March of the third year after the 31st day of March that preceded the date of issue", so that the subsection shall read as follows:

Renewal

- (3) A scaler's licence may, upon application to the Minister, be renewed from time to time either before or after the expiration thereof or of the last renewal, and every renewal expires with the 31st day of March of the third year after the 31st day of March that preceded the date of issue, but, where a licence has not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed.

R.S.O. 1960,
c. 83, s. 45,
subs. 1,
amended

10.—(1) Subsection 1 of section 45 of *The Crown Timber Act* is amended by inserting after "construct" in the first line "reconstruct", so that the subsection shall read as follows:

Licence
required

- (1) No person shall construct, reconstruct or operate a mill, or increase the productive capacity of a mill, or convert an existing mill into a mill of any other type, without a licence from the Minister.

R.S.O. 1960,
c. 83, s. 45,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 45 is repealed and the following substituted therefor:

- (2) A licence under subsection 1 shall not be granted unless the applicant has, in the opinion of the Minister, a sufficient supply of logs or wood-bolts. Condition precedent to grant of licence

11. Section 46 of *The Crown Timber Act* is repealed. R.S.O. 1960, c. 83, s. 46, repealed

12. Clause *j* of subsection 1 of section 47 of *The Crown Timber Act* is amended by striking out "\$500" in the third line and inserting in lieu thereof "\$25" and by striking out "\$1,000" in the fifth line and inserting in lieu thereof "\$50", so that the clause shall read as follows: R.S.O. 1960, c. 83, s. 47, subs. 1, cl. j, amended

- (*j*) contravenes section 45 or any regulation made under clause *m* or *o* of section 52, is liable to a penalty of not less than \$25 and not more than \$1,000 for the first contravention and to a penalty of not less than \$50 and not more than \$5,000 for each subsequent contravention.

13.—(1) This Act, except section 9, comes into force on the day it receives Royal Assent. Commencement

(2) Section 9 comes into force on the 1st day of April, 1965. Idem

14. This Act may be cited as *The Crown Timber Amendment Act, 1964*. Short title

CHAPTER 17

**An Act to repeal
The Custody of Documents Act**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Custody of Documents Act* and *The Custody of Documents Amendment Act, 1962-63* are repealed. R.S.O. 1960,
c. 85;
1962-63,
c. 30,
repealed
2. Any reference in or under any Act to *The Custody of Documents Act* shall be deemed to be a reference to Part II of *The Registry Act*. References
to *The
Custody of
Documents
Act*
R.S.O. 1960,
c. 348
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
4. This Act may be cited as *The Custody of Documents Repeal Act, 1964*. Short title

CHAPTER 18

An Act to amend The Day Nurseries Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Day Nurseries Act* <sup>R.S.O. 1960,
c. 87, s. 1,
cl. *a*,
amended</sup> is amended by striking out “under seven years of age and not attending the first grade of school and not of common parentage” in the eighth, ninth and tenth lines and inserting in lieu thereof “not of common parentage and under seven years of age or seven, eight or nine years of age where the mothers are employed outside the home during all or part of the day”, so that the clause shall read as follows:

(a) “day nursery” means an institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children not of common parentage and under seven years of age or seven, eight or nine years of age where the mothers are employed outside the home during all or part of the day, but does not include a nursery school or kindergarten conducted,

(i) as part of a public school under *The Public Schools Act* or a separate school under *The Separate Schools Act*, or <sup>R.S.O. 1960,
cc. 330, 368</sup>

(ii) as part of a school, college, academy or other educational institution that is giving instruction equivalent to that given in grades 1 to 8, both inclusive, in a public or separate school.

(2) The said section 1 is amended by adding thereto the following clause: <sup>R.S.O. 1960,
c. 87, s. 1,
amended</sup>

(c)

- (c) "mother" means the female person in whose charge a child is or, where there is none, the male person in whose charge the child is.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Day Nurseries Amendment Act, 1964*.

CHAPTER 19

**An Act to amend
The Department of Agriculture Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 92,
amended

5a. Where a programme has been established under section 5 to provide for veterinary services in one or more than one territorial district and a veterinary agricultural committee has been established, any municipality may make grants to a veterinary fund, administered by the veterinary agricultural committee, from which payments are made to provide for the veterinary services in the territorial district. Grants to
veterinary
fund

2. *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 92,
amended

5b. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding the principal sum of \$2,500 together with interest thereon made to farmers for the purpose of paying the costs of transporting water, including the costs, if any, of purchasing such water, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for

supplying

supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Commence-
ment

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1964.

Short title

4. This Act may be cited as *The Department of Agriculture Amendment Act, 1964*.

CHAPTER 20

An Act to amend
The Department of Education Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 5 of *The Department of Education Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 94, s. 5,
cl. *c*,
re-enacted

- (c) who were absent from school because of,
 - (i) a failure of transportation arrangements caused by inclement weather, or
 - (ii) the closing of one or more classrooms caused by inclement weather, fire, flood or the breakdown of the school heating plant, or a similar emergency,

which, in the opinion of the Minister, was unavoidable; or

.

(2) Clause *d* of the said section 5 is amended by striking out “in the month of June” in the first line, so that the clause shall read as follows:

R.S.O. 1960,
c. 94, s. 5,
cl. *d*,
amended

- (d) who were absent from school when their regular classroom work was discontinued because of the holding of examinations that they were not required to write.

2. *The Department of Education Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 94,
amended

11a.—(1) The Minister has and shall be deemed always to have had authority to establish a board to act as agent for the Crown in right of Canada represented by the Department of Labour to select and employ

Board to select teachers for schools operated by armed forces

civilian

civilian instructors as required by the armed forces for duties in schools or training centres operated by the armed forces under procedures authorized by such Department of Labour.

Pensions
for civilian
instructors,
etc.

- (2) The Minister may enter into an agreement with the Crown in right of Canada represented by the Minister of Labour to provide a pension plan for such civilian instructors and other employees of the board, and, where the Minister of Labour agrees to pay the employer's share under any such pension plan, may contract with an insurer under *The Insurance Act* to provide such a pension plan.

R.S.O. 1960,
c. 190

R.S.O. 1960,
c. 94, s. 12,
subs. 1,
par. 30,
re-enacted

3.—(1) Paragraph 30 of subsection 1 of section 12 of *The Department of Education Act* is repealed and the following substituted therefor:

retarded
children

30. providing for the payment of grants to Retarded Children's Education Authorities and to parents' groups that are affiliated with the Ontario Association for Retarded Children to assist in the payment of the cost of education of retarded children in schools operated by such Authorities, and governing the operation of such schools.

R.S.O. 1960,
c. 94, s. 12,
subs. 1,
par. 33,
amended

(2) Paragraph 33 of subsection 1 of the said section 12 is amended by striking out "approving the" in the first line and inserting in lieu thereof "governing the selection and approval of", so that the paragraph shall read as follows:

approve
texts

33. governing the selection and approval of text-books for use in Grades 1 to 12 inclusive.

R.S.O. 1960,
c. 94, s. 12,
subs. 1,
par. 36,
re-enacted

(3) Paragraph 36 of subsection 1 of the said section 12 is repealed and the following substituted therefor:

scholarships

36. establishing scholarships for residents of Ontario to enable them to pursue courses of study outside Ontario, and prescribing the terms and conditions under which they may be awarded and the courses of study that may be pursued.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964.

Short title

5. This Act may be cited as *The Department of Education Amendment Act, 1964*.

CHAPTER 21

An Act to amend The Department of Energy Resources Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Energy Resources Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 95, title,
re-enacted

THE DEPARTMENT OF ENERGY AND RESOURCES MANAGEMENT ACT

2.—(1) Clause *a* of section 1 of *The Department of Energy Resources Act* is amended by striking out “Department of Energy Resources” in the first and second lines and inserting in lieu thereof “Department of Energy and Resources Management”, so that the clause shall read as follows: R.S.O. 1960,
c. 95, s. 1,
cl. *a*,
amended

(a) “Department” means the Department of Energy and Resources Management.

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 95, s. 1,
cl. *b*,
re-enacted

(b) “Minister” means the Minister of Energy and Resources Management.

3. Subsection 1 of section 2 of *The Department of Energy Resources Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 95, s. 2,
subs. 1,
re-enacted

(1) The department of the public service heretofore known as the Department of Energy Resources is continued under the name “Department of Energy and Resources Management”. Department
continued

4. Subsection 2 of section 3 of *The Department of Energy Resources Act* is amended by striking out “The Lieutenant Governor in Council may appoint” in the first line and by R.S.O. 1960,
c. 95, s. 3,
subs. 2,
amended

adding

adding at the end thereof "shall be appointed under *The Public Service Act, 1961-62*", so that the subsection shall read as follows:

Staff

- (2) Such officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Department shall be appointed under *The Public Service Act, 1961-62*.

1961-62,
c. 121

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Energy Resources Amendment Act, 1964*.

CHAPTER 22

An Act to amend The Department of Municipal Affairs Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 98,
amended

17a. The Department upon its own initiative may make an inquiry into any of the affairs of a municipality. General
inquiry

2. Section 21 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 98, s. 21,
re-enacted

21. The Department, as a result of an audit of the affairs of a municipality made under this Part, or as a result of an investigation or inquiry made under any general or special Act, may make such orders as it sees fit requiring the municipality to carry out, put into effect, observe, perform or enforce such matters or things as the audit, investigation or inquiry has disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the Department may provide. Powers of
Department
as a result
of an audit
or inquiry

3.—(1) Subsection 3 of section 47 of *The Department of Municipal Affairs Act* is amended by inserting after “certificate” where it occurs the first time in the sixth line “signed by him”, so that the subsection shall read as follows: R.S.O. 1960,
c. 98, s. 47,
subs. 3,
amended

(3) The treasurer, with respect to vacant land upon which any part of the taxes remains unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in sub-

section 2,

section 2, may register in the registry office a certificate signed by him to be known as a tax arrears certificate (Form 1), setting forth therein a description of the vacant land or improved land, as the case may be, and the amount of all unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate vests in and becomes the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and to subsections 8, 10 and 11.

R.S.O. 1960,
c. 98, s. 47,
subs. 6,
repealed

(2) Subsection 6 of the said section 47 is repealed.

R.S.O. 1960,
c. 98, s. 49,
subs. 2,
amended

4. Subsection 2 of section 49 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" in the second line "signed by him", so that the subsection shall read as follows:

Registration
of
redemption
certificate

(2) Where land is redeemed under this section, the treasurer shall forthwith register in the registry office a certificate signed by him to be known as a redemption certificate (Form 3), setting forth therein a description of the land redeemed, and a redemption certificate, when registered, is a valid and effectual cancellation of the tax arrears certificate registered with respect to the land, and, subject to subsection 3, the land thereupon vests in and becomes the property of the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective rights and interests.

R.S.O. 1960,
c. 98, s. 50,
subs. 2,
repealed

5. Subsection 2 of section 50 of *The Department of Municipal Affairs Act* is repealed.

R.S.O. 1960,
c. 98, s. 51,
re-enacted

6. Section 51 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Where
land in
land titles
office

51. Where land to which section 47 applies is registered in a land titles office, the certificate and declarations that may be registered under any provision of this Part shall be registered in the proper land titles office, and all the provisions of this Part in relation to such certificates and declarations and their registration apply *mutatis mutandis* to land entered in a land titles office, and *The Land Titles Act* shall be deemed to permit such registrations.

R.S.O. 1960,
c. 204

7. Subsection 1 of section 52 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 98, s. 52, subs. 1, re-enacted

- (1) Where under this Part, Part VI of *The Ontario Municipal Board Act, 1932* or Part III of *The Department of Municipal Affairs Act, 1935* a tax arrears certificate has been registered with respect to any land and it is subsequently ascertained that it was registered by mistake or that lands have erroneously been included therein, or where the treasurer has failed to comply with subsection 4 of section 47, or where an agreement for composition and payment of the arrears of taxes for which the certificate was registered has been entered into under section 56, the Department may direct the treasurer of the corporation to register a certificate signed by him, to be known as a vacating certificate (Form 4), setting forth therein a description of the land wherein the title of the corporation is to be vacated, and such vacating certificate, when registered, is as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the estate of such registered owner at the time of the registration of the tax arrears certificate, but the registration of any vacating certificate does not in any way cancel or affect taxes or arrears of taxes, if any, that may be due upon the land described therein. Vacating certificates 1932, c. 27 1935, c. 16

8.—(1) This Act, except sections 3, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 4, 5, 6 and 7 come into force on the 1st day of July, 1964. Idem

9. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1964*. Short title

CHAPTER 23

An Act to amend The Department of Travel and Publicity Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Travel and Publicity Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 103,
title,
re-enacted

THE DEPARTMENT OF TOURISM AND INFORMATION ACT

2.—(1) Clause *a* of section 1 of *The Department of Travel and Publicity Act* is amended by striking out "Travel and Publicity" in the first and second lines and inserting in lieu thereof "Tourism and Information", so that the clause shall read as follows:

R.S.O. 1960,
c. 103, s. 1,
cl. *a*,
amended

(a) "Department" means the Department of Tourism and Information.

(2) Clause *b* of the said section 1 is amended by striking out "Travel and Publicity" in the first and second lines and inserting in lieu thereof "Tourism and Information", so that the clause shall read as follows:

R.S.O. 1960,
c. 103, s. 1,
cl. *b*,
amended

(b) "Minister" means the Minister of Tourism and Information.

3. Subsection 1 of section 2 of *The Department of Travel and Publicity Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 103, s. 2,
subs. 1,
re-enacted

(1) The department of the public service heretofore known as the Department of Travel and Publicity is continued under the name "Department of Tourism and Information".

Department
continued

4. Section 5 of *The Department of Travel and Publicity Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 103, s. 5,
re-enacted

Annual
report

5. The Minister shall after the close of each year submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1964*.

CHAPTER 24

An Act to establish the Department of University Affairs

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Department" means the Department of University Affairs;

(b) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council as the Minister of University Affairs.

2. There shall be a department of the public service to be known as the Department of University Affairs over which the Minister shall preside and have charge.

Department
established

3.—(1) The Lieutenant Governor in Council may appoint a Deputy Minister of the Department.

Deputy
Minister

(2) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the business of the Department.

Staff
1961-62,
c. 121

(3) The Lieutenant Governor in Council may appoint such advisory committees or other consulting bodies as are deemed necessary from time to time.

Advisory
bodies

4. Notwithstanding any other Act, the Lieutenant Governor in Council may assign the administration of any Act to the Minister, and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the Minister named in any Act so assigned.

Assignment
of Acts to
Minister

Capital
expenditures
financed
through The
Ontario
Universities
Capital Aid
Corporation

5. The Minister may determine the amount of any capital expenditure of a university that may be financed through The Ontario Universities Capital Aid Corporation, and debentures may be purchased from a university by the Corporation only on the recommendation of the Minister.

Expenses

6.—(1) Except during the fiscal year ending the 31st day of March, 1965, the expenses of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

Idem

(2) During the fiscal year ending the 31st day of March, 1965, the expenses of the Department shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Department of University Affairs Act, 1964*.

CHAPTER 25

An Act to amend The Division Courts Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 92 of *The Division Courts Act* ^{R.S.O. 1960, c. 110, s. 92, subs. 1, amended} is amended by striking out "\$100" in the second line and inserting in lieu thereof "\$200", so that the subsection shall read as follows:

- (1) The clerk shall place all actions in which the sum ^{Actions over \$200} sought to be recovered exceeds \$200 at the foot of the trial list, and the judge shall in such cases, unless an agreement not to appeal has been signed and filed as provided by section 107, take down the evidence in writing or cause the same to be taken down in shorthand by a shorthand writer appointed under section 13 of *The County Judges Act* or by some ^{R.S.O. 1960, c. 77} other competent person.

2.—(1) Subsection 1 of section 104 of *The Division Courts Act* ^{R.S.O. 1960, c. 110, s. 104, subs. 1, amended} is amended by striking out "\$100" in the first line and inserting in lieu thereof "\$200", so that the subsection shall read as follows:

- (1) Where in an action for more than \$200 that is con- ^{Counsel fee where action contested} tested as to liability or quantum, and in the cases mentioned in clauses *b* and *c* of section 108, a counsel or solicitor has been employed by the successful party in the conduct of the cause or defence, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$40 or, if the case occupies more than one day, to not more than \$50, be allowed to the successful party, and it shall be added to the costs.

(2) Subsection 2 of the said section 104 is amended by ^{R.S.O. 1960, c. 110, s. 104, subs. 2, amended} striking out "\$100" in the third line and inserting in lieu thereof "\$200", so that the subsection shall read as follows:

where
assessment
uncontested

- (2) Where in an assessment of damages, upon which the defendant does not appear personally or by counsel and in which judgment is given for more than \$200, a counsel or solicitor has been employed by the plaintiff, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$25, be allowed to the plaintiff, and it shall be added to the costs.

R.S.O. 1960,
c. 110, s. 104,
subs. 3,
amended

- (3) Subsection 3 of the said section 104 is amended by striking out "\$100" in the second line and inserting in lieu thereof "\$200", so that the subsection shall read as follows:

where
adjourn-
ment

- (3) Where a party applies for and obtains an adjournment in an action involving more than \$200 that is contested as to liability or quantum, the presiding judge may, if he is of opinion that counsel for any of the other parties has been unduly inconvenienced by the adjournment, award him a counsel fee of \$10.

R.S.O. 1960,
c. 110, s. 108,
cl. a,
amended

- 3.—(1) Clause *a* of section 108 of *The Division Courts Act* is amended by striking out "\$100" in the second line and inserting in lieu thereof "\$200", so that the clause shall read as follows:

- (a) in an action or garnishee proceeding where the sum in dispute exceeds \$200, exclusive of costs.

R.S.O. 1960,
c. 110, s. 108,
cl. b,
amended

- (2) Clause *b* of the said section 108 is amended by striking out "\$100" in the third line and inserting in lieu thereof "\$200" and by striking out "\$60" in the fifth line and inserting in lieu thereof "\$120", so that the clause shall read as follows:

- (b) in interpleader where the money or the value of the goods or chattels claimed or proceeds thereof exceeds \$200, or where the damages claimed by or awarded to either party against the other or against a bailiff exceed the sum of \$120.

Commence-
ment

4. This Act comes into force on the 1st day of September, 1964.

Short title

5. This Act may be cited as *The Division Courts Amendment Act, 1964*.

CHAPTER 26

An Act to amend The Dower Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 18 of *The Dower Act* is ^{R.S.O. 1960, c. 113, s. 18,} amended by striking out “without any proof thereof” in the ^{subs. 1,} sixth line, so that the subsection shall read as follows: ^{amended}

- (1) An order under any of the preceding sections may be ^{Registration of order} made in duplicate or in as many parts as are necessary, and shall be signed by the judge, and may be registered in the registry office of the registry division wherein the land to which the order relates is situate, upon its production and deposit, and such registration may take place either before or after the execution of the conveyance or mortgage made in pursuance of the order.

- (2) Subsection 3 of the said section 18 is repealed.

^{R.S.O. 1960, c. 113, s. 18,}
^{subs. 3,}
^{repealed}

2. This Act may be cited as *The Dower Amendment Act*, ^{Short title} 1964.

CHAPTER 27

The Energy Act, 1964

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "appliance" means a device using only gas or fuel oil as fuel, and includes all vents, and all gas or fuel oil piping, tanks, containers and controls attached or to be attached thereto;
2. "Board" means the Ontario Energy Board;
3. "contractor" means a person,
 - i. who carries on the business of installing, removing, repairing or servicing appliances, or
 - ii. who sells and agrees to install appliances;
4. "Department" means the Department of Energy and Resources Management;
5. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;
6. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;
7. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;

8.

8. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;
9. "inspector" means an inspector appointed under this Act;
10. "land" includes any interest in land;
11. "licence" means a licence issued under this Act;
12. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;
13. "Minister" means the Minister of Energy and Resources Management;
14. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
15. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;
16. "permit" means a permit issued under this Act;
17. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;
18. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;
19. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
20. "registered" means registered under this Act, and "registration" has a corresponding meaning;
21. "regulations" means the regulations made under this Act;
22. "storage company" means a person engaged in the business of storing gas;
- 23.

R.S.O. 1960,
c. 191

23. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;
24. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;
25. "utility line" means a pipe line, telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;
26. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining subsurface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;
27. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas. R.S.O. 1960, c. 122, s. 1; 1961-62, c. 40, s. 1, *amended*.

2.—(1) One or more inspectors may be appointed under ^{Appointment of inspectors} *The Public Service Act, 1961-62* for the purposes of this Act, ^{1961-62, c. 121} R.S.O. 1960, c. 122, s. 2 (1), *amended*.

(2) An inspector may, for the purposes of this Act and the ^{Powers of inspector} regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

- (a) enter in or upon, take up or use any property, real or personal, at any time;
- (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations, and examine and copy it;

(c)

(c) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and

(d) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written instructions

(5) If a person to whom an inspector gives oral instructions under subsection 4 requests that the instructions be put in writing, the inspector shall put the instructions in writing.

Not required to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty, except with the written permission of the Minister.

No personal liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. R.S.O. 1960, c. 122, s. 2 (2-7).

Inspectors may tag works

3.—(1) An inspector may tag a work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being, or is about to be, committed by attaching a tag in the prescribed form to some part of the work or appliance.

Idem

(2) An inspector who has tagged a work or appliance shall forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

Tag not to be removed

(3) No person, other than an inspector, shall alter, deface or destroy such a tag, and no person, other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector, shall remove such a tag.

Tag to be forwarded to inspector

(4) Where such a tag is removed by a registered contractor, he shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged. R.S.O. 1960, c. 122, s. 3. Work not to be used

4.—(1) One or more chief inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act. Chief inspectors 1961-62, c. 121

(2) A person who has just cause to believe that to comply with, Appeal to chief inspector

(a) an instruction given under subsection 4 of section 2; or

(b) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal to a chief inspector by giving forth-with oral notice thereof to a chief inspector. R.S.O. 1960, c. 122, s. 4 (1, 2), *amended*.

(3) Such oral notice may be given by telephone. Idem

(4) The chief inspector so notified may vary, rescind or confirm the instruction or instruct the removal of or compliance with the tag. R.S.O. 1960, c. 122, s. 4 (3, 4). Idem

5.—(1) No person shall,

(a) conduct a geophysical or geochemical exploration for gas or oil; or No exploring, leasing or producing without licence

(b) lease gas or oil rights from an owner other than the Crown; or

(c) produce gas or oil,

unless he is the holder of a licence for such purpose, but the failure on the part of any person to comply with this subsection does not affect the validity of any contract. R.S.O. 1960, c. 122, s. 5 (1), *amended*.

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed. R.S.O. 1960, c. 122, s. 5 (2). No well-drilling machine to be operated without licence

No well
to be
bored, etc.,
without
permit

(3) No person shall bore, drill or deepen a well unless he is the holder of a permit for such purposes. R.S.O. 1960, c. 122, s. 5 (3), *amended*.

No gas to
be injected,
etc., with-
out permit

6.—(1) Subject to the regulations, no person shall repressure, maintain pressure in or flood any gas or oil horizon by the injection of gas, oil, water or other substance unless he is the holder of a permit for such purpose, but this prohibition does not apply to a person who injects gas in a designated gas storage area. 1960-61, c. 23, s. 1, *part, amended*.

Reference
to Board

(2) If, in the opinion of the Minister, the special circumstances of a case so require, he may refer an application for a permit to repressure, maintain pressure in or flood a gas or oil horizon to the Board, and the Board shall report to the Minister thereon, but, where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New*.

No transmis-
sion or
distribution
without
licence

7.—(1) No person shall,

(a) transmit gas;

(b) transmit fuel oil;

(c) transmit a hydrocarbon other than gas or fuel oil;

(d) distribute gas;

(e) distribute fuel oil; or

(f) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose, but the failure on the part of a person to comply with this subsection does not affect the validity of any contract. *New*.

No sale,
etc., of
appliances
without
label

(2) Subject to the regulations, no person shall buy, sell or install an appliance that does not bear the label of an organization designated in the regulations or a label issued by the Minister. 1961-62, c. 40, s. 2 (5), *amended*.

Registered
contractors
to install,
etc.,
appliances

(3) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove an appliance or any class or classes thereof. R.S.O. 1960, c. 122, s. 5 (6).

(4) Subject to the regulations, no person shall install, ^{Idem} repair, service or remove or permit or cause to be installed, repaired, serviced or removed an appliance unless the installation, repair, service or removal is done by or under the supervision of a person who is registered for such purposes. 1960-61, c. 23, s. 1, *part, amended*.

(5) No person shall connect or have connected an appli- ^{Idem}ance to a supply by pipe line of gas or fuel oil without first giving notice to the distributor of the gas or fuel oil of the address of the premises at which the installation is to be made and the type of appliance to be connected.

(6) Where a premises is connected for the first time to a ^{Inspection by distributor} supply by pipe line of gas or fuel oil, no person shall use an appliance connected to the supply of gas or fuel oil until the distributor of the gas or fuel oil has inspected the appliance. R.S.O. 1960, c. 122, s. 5 (7, 8), *amended*.

(7) A distributor shall have free access, at all reasonable ^{Idem} times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas or fuel oil is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance in or outside the building or for placing meters upon any pipe or connection in or outside the building as he deems expedient, and, for that purpose or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or of any pipe, and may alter or disconnect any pipe. R.S.O. 1960, c. 122, s. 5 (10); 1961-62, c. 40, s. 2 (6).

8. Where an emergency exists within the meaning of *The* ^{Emergency measures 1962-63, c. 41} *Emergency Measures Act, 1962-63*, the Minister may, notwithstanding anything in this or any other Act, make such orders as he considers necessary to maintain the supply of gas to the public or any class or classes thereof. R.S.O. 1960, c. 122, s. 6, *amended*.

9.—(1) Every person who,

Offences

- (a) contravenes any provision of this Act or the regulations;
- (b) unduly wastes or causes to be unduly wasted any gas or oil;
- (c) tampers or interferes with any work or appliance without authority to do so;

(d)

- (d) knowingly makes a false statement in an application, return or statement or other material required under this Act or the regulations;
- (e) fails to carry out the instructions of an inspector; or
- (f) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$10,000 for each day over which the offence continues or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 122, s. 7 (1), *amended*.

Permission
of Minister

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. R.S.O. 1960, c. 122, s. 7 (2).

Grant of
licence,
etc.
1964, c. 74

10.—(1) Subject to subsection 2 of section 6 of this Act and to section 21 of *The Ontario Energy Board Act, 1964*, the Minister may, in his discretion, with or without an examination of the applicant, grant or refuse to grant a licence or permit or effect or refuse to effect a registration, and he may, in granting a licence or permit or effecting a registration, impose such terms and conditions as he in his discretion deems proper, and, before granting a licence or permit or effecting a registration, he may refer the matter to the Board, and the Board shall hold a hearing and report to him thereon with its recommendations.

Renewal of
licence,
etc.

(2) The Minister may grant or refuse to grant a renewal of a licence in whole or in part, a renewal of a permit in whole or in part, or effect or refuse to effect a renewal of a registration in whole or in part, and he may, in granting a renewal of a licence or permit or in effecting a renewal of a registration, impose such terms and conditions as he in his discretion deems proper, but, where he refuses to grant a renewal of a licence or permit in whole or in part, or to effect a renewal of a registration in whole or in part, or, in granting a renewal of a licence or permit or effecting a renewal of a registration, imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall grant or refuse to grant or effect or refuse to effect the renewal in accordance with the report.

Suspension
of licences,
etc.

(3) The Minister may in his discretion suspend a licence, permit or registration in whole or in part, or, at any time, impose on a licence, permit or registration such terms and

conditions

conditions as he in his discretion deems proper, but, before so doing, he may, or, after so doing, he shall, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall impose, continue or remove the suspension or impose, continue or remove the terms and conditions in whole or in part, or revoke the licence, permit or registration in whole or in part, in accordance with the report. 1960-61, c. 23, s. 2, *amended*.

(4) Where a licence, permit or registration has had terms or conditions imposed on it or is revoked or suspended in whole or in part, the Minister shall notify the holder in writing at his last known address, by registered mail, of the imposition, revocation or suspension, and the holder shall forthwith forward to the Minister his licence, permit or registration certificate so that the terms or conditions or the revocation or suspension may be recorded thereon. *New*.

11.—(1) The Lieutenant Governor in Council may make regulations, Drilling
and
production
regulations

- (a) for the conservation of gas or oil;
- (b) prescribing areas where drilling for gas or oil is prohibited; R.S.O. 1960, c. 122, s. 9 (1), pars. 1, 2.
- (c) prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon; R.S.O. 1960, c. 122, s. 9 (1), par. 4.
- (d) regulating the location and spacing of wells;
- (e) prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;
- (f) requiring the keeping of drilling and production samples;
- (g) requiring persons who drill wells to furnish reports, returns, geological and other information and samples;
- (h) requiring dry or abandoned wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells;

(i)

- (i) prescribing the methods, equipment and materials to be used in shutting in wells; R.S.O. 1960, c. 122, s. 9 (1), pars. 6-11.
- (j) to provide for the designation of spacing units and regulating the location of wells in spacing units; 1961-62, c. 40, s. 3 (1), *amended*.
- (k) regulating the use of wells for the disposal of waste substances. R.S.O. 1960, c. 122, s. 9 (1), par. 16.

Transmis-
sion and
distribution
regulations

(2) The Lieutenant Governor in Council may make regulations,

- (a) regulating the conditions of agreements between distributors and consumers; R.S.O. 1960, c. 122, s. 9 (1), par. 18.
- (b) prescribing classes of appliances and regulating the type, design, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 19, *amended*.
- (c) prohibiting the sale, installation or use of appliances, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 20.
- (d) designating organizations to test appliances to specifications approved by the Minister, and, where the appliances conform to the specifications, to place their label thereon; 1961-62, c. 40, s. 3 (2).
- (e) requiring and providing for the inspection of appliances by distributors, and prescribing the frequency with which and the manner in which such inspection shall be made; R.S.O. 1960, c. 122, s. 9 (1), par. 23.
- (f) prescribing the classes of contractors and requiring and providing for the registration of them, or any class of them, and prescribing their supervisory responsibilities; R.S.O. 1960, c. 122, s. 9 (1), par. 25, *amended*.
- (g) providing for the registration of persons or classes of persons who may inspect, install, repair, service or remove gas appliances or pipe lines, and prescribing the acts that such persons must perform personally; 1960-61, c. 23, s. 3 (3), *amended*.

(h)

- (h) prescribing classes of meters and requiring and providing for the registration of meters, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 26.
- (i) exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 40.
- (j) regulating the installation, use, removal, storage, handling and filling of containers, including the piping and attachments thereto, for liquefied petroleum gas; *New*.
- (k) prescribing the fee to be paid for the inspection of pipe lines and appliances, and prescribing by whom they shall be paid; R.S.O. 1960, c. 122, s. 9 (1), par. 29, *amended*.
- (l) prescribing classes of transmitters and distributors. *New*.

(3) The Lieutenant Governor in Council may make regu-^{General}lations, ^{regulations}

- (a) prescribing classes of hydrocarbons and classes of works; R.S.O. 1960, c. 122, s. 9 (1), par. 3, *amended*.
- (b) regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance, or any class thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 5.
- (c) providing for the issue of licences, permits and labels; R.S.O. 1960, c. 122, s. 9 (1), par. 24.
- (d) prescribing classes of licences, permits and labels, and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made; R.S.O. 1960, c. 122, s. 9 (1), par. 27.
- (e) prescribing the fee payable for any examination, licence, permit, label or registration; R.S.O. 1960, c. 122, s. 9 (1), par. 28; 1960-61, c. 23, s. 3 (4).
- (f) requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;

(g)

- (g) requiring and providing for guarantees or other security by bond or other means that works commenced under permit will be completed in accordance with this Act, the regulations or any order of the Board; R.S.O. 1960, c. 122, s. 9 (1), pars. 30, 31.
- (h) creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the fund, and authorizing the Minister to complete or remove works and to recover the cost of so doing; R.S.O. 1960, c. 122, s. 9 (1), par. 32; 1961-62, c. 40, s. 3 (3), *amended*.
- (i) permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of the sale to expenses incurred in the doing of anything required to be done to or with the works;
- (j) permitting the Crown to cause anything to be done that the Board has ordered any person to do, and permitting the Crown to recover expenses from such person;
- (k) prescribing forms and tags, and providing for their use; R.S.O. 1960, c. 122, s. 9 (1), pars. 33-35.
- (l) requiring and providing for the keeping of records and the making of returns, statements or reports on the leasing, exploration, drilling for or production of gas or oil or the storage, distribution, transmission or manufacture of gas; R.S.O. 1960, c. 122, s. 9 (1), par. 36; 1961-62, c. 40, s. 3 (4).
- (m) exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 39.
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 122, s. 9 (1), par. 41.

Safety
standards
regulations

(4) The Lieutenant Governor in Council may make regulations regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, measurement and consumption of gas, oil or fuel oil and in the transmission, distribution and carriage by pipe line of any hydrocarbon or any class thereof. *New.*

(5) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1960, c. 122, s. 9 (2). Codes

(6) Any regulation may designate any organization to authorize the use of its label on any work or appliance that complies with its code. R.S.O. 1960, c. 122, s. 9 (3), *amended*. Labels

(7) Any regulation may be general or particular in its application. R.S.O. 1960, c. 122, s. 9 (4). Scope of regulations

12.—(1) In the event of conflict between this Act and any other general or special Act, this Act, subject only to *The Ontario Energy Board Act, 1964*, prevails. R.S.O. 1960, c. 122, s. 21 (1), *amended*. Conflict
1964, c. 74

(2) This Act and the regulations prevail over any by-law passed by a municipality. R.S.O. 1960, c. 122, s. 21 (2). Idem

13. *The Energy Act, The Energy Amendment Act, 1960-61* and *The Energy Amendment Act, 1961-62* are repealed.

R.S.O. 1960,
c. 122;
1960-61,
c. 23;
1961-62,
c. 40,
repealed

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

15. This Act may be cited as *The Energy Act, 1964*. Short title

CHAPTER 28

An Act to amend The Executive Council Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Executive Council Act*, as amended by R.S.O. 1960, c. 127, s. 2, amended section 1 of *The Executive Council Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics", by striking out "Travel and Publicity" in the tenth line and inserting in lieu thereof "Tourism and Information" and by striking out "Resources" in the twelfth line and inserting in lieu thereof "and Resources Management, a Minister of University Affairs", so that the section shall read as follows:

2. The Lieutenant Governor may appoint under the Heads of departments Great Seal from among the ministers of the Crown the following ministers to hold office during pleasure: a President of the Council, an Attorney General, a Provincial Secretary and Minister of Citizenship, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Economics and Development, a Minister of Tourism and Information, a Minister of Reform Institutions, a Minister of Transport, a Minister of Energy and Resources Management, a Minister of University Affairs, and such other ministers as he sees fit, and may by order in council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Executive Council Amend- Short title* *ment Act, 1964.*

CHAPTER 29

**An Act to amend
The Extra-Judicial Services Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Extra-Judicial Services Act* is amended <sup>R.S.O. 1960,
c. 128, s. 1,
amended</sup> by striking out "\$1,000" in the second line and inserting in lieu thereof "\$4,000", so that the section shall read as follows:

1. Every judge of the Supreme Court shall be paid out <sup>Annual
com-
pensation</sup> of the Consolidated Revenue Fund the annual sum of \$4,000, payable quarterly, as compensation for the services that he is called on to render by any Act of the Legislature in addition to his ordinary duties.

2. This Act shall be deemed to have come into force on the <sup>Commence-
ment</sup> 1st day of January, 1964.

3. This Act may be cited as *The Extra-Judicial Services* ^{Short title} *Amendment Act, 1964*.

CHAPTER 30

**An Act to amend
The Farm Products Grades and Sales Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Farm Products Grades and Sales Act* is amended by inserting after "animal products" in the first line "Christmas trees", so that the clause shall read as follows:

R.S.O. 1960,
c. 136, s. 1,
cl. a,
amended

- (a) "farm product" means such animals, animal products, Christmas trees, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1964*.

Short title

CHAPTER 31

An Act to amend The Farm Products Marketing Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 12,
re-enacted

12.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that an association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, and having as its objects the stimulating, increasing and improving of the marketing locally within Ontario of the farm product by advertising, education, research or other means, be designated as the representative association for all producers in Ontario of that farm product, the Board shall,

- (a) obtain such information as it deems necessary to determine that the association is representative of the persons engaged in the production of the farm product;
 - (b) consider any proposed programme of the association for the stimulating, increasing or improving of the marketing locally within Ontario of the farm product; and
 - (c) obtain estimates of the cost of carrying out such programme.
- (2) Where the Board is of the opinion that a majority of the producers in Ontario of the farm product mentioned in subsection 1 are in favour of the designation

Petition for designation of association of producers

R.S.O. 1960,
cc. 6, 71

Recommendation by Board for designation of association and establishment of programme of

of the association as the representative association of all producers of that farm product in Ontario and are in favour of a proposed programme of the association for stimulating, increasing and improving the marketing of the farm product, the Board may recommend to the Minister the designation of the association as the representative association of producers of the farm product within Ontario and the establishment of such programme.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

R.S.O. 1960,
cc. 6, 71

- (a) designating any association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, as the representative association of producers of the farm product within Ontario for the carrying out of a programme for stimulating, increasing and improving the marketing locally within Ontario of the farm product by advertising, education, research or other means;
- (b) establishing, amending and revoking any programme for stimulating, increasing and improving the marketing locally within Ontario of a farm product, other than a regulated product;
- (c) requiring producers of the farm product to pay licence fees to the association;
- (d) designating the amounts of licence fees and requiring payment of the fees in different amounts or in instalments;
- (e) requiring persons who buy the farm product from a producer to deduct from moneys payable to the producer any licence fees payable by the producer and to forward such licence fees to the association;
- (f) authorizing the association to use the licence fees for the purposes of defraying the expenses of the association in the carrying out of its objects;
- (g) requiring the association to furnish to the Board such information and financial statements as the Board determines.

- (4) Where the Lieutenant Governor in Council makes regulations establishing a programme under subsection 3, every producer of the farm product shall be deemed to be the holder of a licence for the production of the farm product. Where producers deemed licence holders
- (5) Any regulation under subsection 3 may, Limitations and exceptions
- (a) be limited as to time and place;
 - (b) exempt from the regulations any person or class of persons or any class, variety, grade or size of the farm product; and
 - (c) fix licence fees of different amounts for different classes, varieties, grades or sizes of the farm product.
- (6) Where a regulation has been made under subsection 3, the Board may, Inspection of records and furnishing of information
- (a) appoint any person to inspect the books, records and premises of persons who produce or buy the farm product, and section 7 applies *mutatis mutandis* in respect of a person so appointed; and
 - (b) require persons engaged in producing or buying the farm product to furnish such information and make such returns and reports as the Board determines.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1964*. Short title



CHAPTER 32

An Act to repeal The Female Refuges Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Female Refuges Act* is repealed. R.S.O. 1960,
c. 140,
repealed
2. This Act may be cited as *The Female Refuges Repeal Act*, 1964. Short title

CHAPTER 33

An Act to amend The Fire Departments Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 2 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 145, s. 2,
subs. 7,
re-enacted

- (7) Notwithstanding this section, where a fire, flood or other disaster occurs that requires the services of every full-time fire fighter, the chief or other officer in charge of the fire department may recall to duty any full-time fire fighter who is not on duty. Recall in
emergency

2. Section 4 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 145, s. 4,
re-enacted

- 4.—(1) A full-time fire fighter shall not be discharged without being given at least seven days notice in writing of the proposed discharge and the reasons therefor, and may, before the expiry of the notice, require a hearing by delivering a notice in writing to that effect to the clerk of the municipality. Discharge

- (2) Where a notice requiring a hearing is delivered under subsection 1, the council or a committee thereof shall hold a hearing, and the fire fighter may be represented at the hearing by counsel. Hearing

- (3) Where a fire fighter requires a hearing under subsection 2, the discharge shall not take effect before the hearing is disposed of. When
discharge
effective

3. Subsection 1 of section 5 of *The Fire Departments Act*, as amended by section 3 of *The Fire Departments Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 145, s. 5,
subs. 1,
re-enacted

Bargaining

- (1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within sixty days after receipt of the request bargain in good faith with a bargaining committee of the full-time fire fighters, and shall make every reasonable effort to come to an agreement, for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief and the deputy chief of the fire department.

R.S.O. 1960,
c. 145, s. 6,
subs. 5,
amended

4. Subsection 5 of section 6 of *The Fire Departments Act* is amended by striking out "or by the Attorney General" in the second and third lines, so that the subsection shall read as follows:

Extension
of periods

- (5) Any of the periods mentioned in this section may be extended at any time by agreement of the parties.

R.S.O. 1960,
c. 145, s. 7,
subs. 5,
amended

5.—(1) Subsection 5 of section 7 of *The Fire Departments Act* is amended by striking out "and the arbitrator shall hear and determine the difference or allegation and shall issue a decision and such decision is final and binding upon the parties" in the thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "and the arbitrator shall commence to hear and determine the difference or allegation within thirty days after his appointment, and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties", so that the subsection shall read as follows:

Single
arbitrator

- (5) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 5 or of a decision or award of a board of arbitration made under section 6, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference or allegation within thirty days after his appointment, and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

(2) The said section 7 is amended by adding thereto the following subsections: R.S.O. 1960, c. 145, s. 7, amended

(6) Each party to an arbitration under subsection 5 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. Costs

(7) Any of the periods mentioned in subsection 5 may be extended at any time by agreement of the parties. Extension of periods

6. *The Fire Departments Act* is amended by adding thereto the following section: R.S.O. 1960, c. 145, amended

7a. *The Arbitrations Act* does not apply to an arbitration under section 6 or 7. R.S.O. 1960, c. 18, not to apply

7. Section 9 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 9, re-enacted

9. Where a request in writing is made under subsection 1 of section 5 during a year ending with the 31st day of December and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. Payment of expenditures

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Fire Departments Amendment Act, 1964*. Short title

CHAPTER 34

**An Act to amend
The Game and Fish Act, 1961-62**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Game and Fish Act, 1961-62* is <sup>1961-62,
c. 48, s. 1,
amended</sup> amended by adding thereto the following paragraph:

7a. “fire-arm” includes an air or pellet gun and a long-bow and a cross-bow.

(2) Paragraph 14 of the said section 1 is amended by <sup>1961-62,
c. 48, s. 1,
par. 14,
amended</sup> inserting after “hunt” in the sixth line “hunted”, so that the paragraph shall read as follows:

14. “hunting” includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and “hunt”, “hunted” and “hunter” have corresponding meanings.

2. Section 18 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62,
c. 48, s. 18,
amended</sup> by striking out “an air-gun or” in the second line and inserting in lieu thereof “a” and by striking out “air-gun or” in the fourth line, so that the section shall read as follows:

18. Every person is guilty of the offence of hunting <sup>Offence of
hunting
carelessly</sup> carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

1961-62,
c. 48, s. 20,
subs. 1,
cl. a,
amended

3.—(1) Clause *a* of subsection 1 of section 20 of *The Game and Fish Act, 1961-62* is amended by striking out “air-gun or” in the first line, so that the clause shall read as follows:

- (a) have a loaded fire-arm in or on, or discharge the same from, an aircraft or a vehicle; or

.

1961-62,
c. 48, s. 20,
subs. 1,
cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 20 is amended by striking out “an air-gun or” in the first line and inserting in lieu thereof “a”, so that the clause shall read as follows:

- (b) discharge a fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles.

1961-62,
c. 48, s. 20,
subs. 2,
amended

(3) Subsection 2 of the said section 20 is amended by striking out “air-gun or” in the third line, so that the subsection shall read as follows:

Fire-arms
in power-
boats
R.S.C. 1952,
c. 179

- (2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded fire-arm in or on, or discharge the same from, a power-boat.

1961-62,
c. 48, s. 22,
amended

4. Section 22 of *The Game and Fish Act, 1961-62* is amended by striking out “an air-gun or” in the second line and inserting in lieu thereof “a” and by striking out “for the purpose of hunting” in the third line, so that the section shall read as follows:

Prohibition
as to guns

22. In a locality that game usually inhabits or in which game is usually found, no person shall have a fire-arm in his possession, unless it is unloaded and encased, between one-half hour after sunset and one-half hour before sunrise of any day.

1961-62,
c. 48, s. 23,
amended

5. Section 23 of *The Game and Fish Act, 1961-62* is amended by inserting after “fire-arm” in the second line “of a calibre or type prescribed by the regulations”, so that the section shall read as follows:

Exception,
raccoon
hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon may possess or use a fire-arm of a calibre or type prescribed by the regulations for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor.

6. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section: 1961-62,
c. 48,
amended

27a. No person shall use a set-gun in hunting game. Set-guns

7. Subsection 4 of section 34 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor: 1961-62,
c. 48, s. 34,
subs. 4,
re-enacted

- (4) The Minister may direct the refund of the fee paid for any licence where, owing to the licence not having been used by reason of sickness, accident or death, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made. Refund
of fees

8. Subsections 2 and 3 of section 36 of *The Game and Fish Act, 1961-62* are repealed and the following substituted therefor: 1961-62,
c. 48, s. 36,
subs. 2, 3,
re-enacted

- (2) The Minister may authorize any person to issue licences, and such issuers of licences shall have the powers and duties prescribed by the manual of licence-issuing instructions authorized by the Minister. Idem

- (3) Every issuer of licences shall be deemed to be a trustee of the Crown of the licence fees collected by him or on his behalf. Licence
issuers as
trustees

- (4) Every issuer of licences shall comply with the manual of licence-issuing instructions, and, if he fails so to do, he is guilty of an offence against this Act. Duties,
etc., of
licensees

- (5) No person shall possess a licence that does not exhibit the name of the holder or that is ante-dated or undated or a material part of which is not completed. Licence
in blank

9. Section 37 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection: 1961-62,
c. 48, s. 37,
amended

- (4) The Minister may in writing authorize the repeal of a by-law passed under subsection 1, and the repealing by-law may provide for the refund, in whole or in part, of licence fees paid for licences issued under the repealed by-law. Repeal of
by-laws

10. *The Game and Fish Act, 1961-62* is amended by adding thereto the following heading and section: 1961-62,
c. 48,
amended

ILLEGAL POSSESSION OF GAME

Possession
of game

37*b*. No person shall knowingly possess any game hunted in contravention of this Act or the regulations.

1961-62,
c. 48, s. 43,
subs. 1,
amended

11. Subsection 1 of section 43 of *The Game and Fish Act, 1961-62* is amended by inserting after "sell" in the second line "offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of", so that the subsection shall read as follows:

Licence
for sale
of game
animal

(1) Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of a game animal or possess a game animal for sale.

1961-62,
c. 48, s. 47,
amended

12. Section 47 of *The Game and Fish Act, 1961-62* is amended by striking out "and" in the third line and by adding at the end thereof "and birds, other than pheasants or Hungarian partridge, released under section 29", so that the section shall read as follows:

Hunting
birds

47. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cowbirds, blackbirds, starlings, house-sparrows and birds, other than pheasants or Hungarian partridge, released under section 29.

1961-62,
c. 48, s. 64,
subs. 1,
re-enacted

13. Subsection 1 of section 64 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

No traffic
in certain
fish

(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence and subject to such terms and conditions as are prescribed by the regulations, a person may sell,

(*a*) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(*b*) brook trout and rainbow trout for human consumption.

14. Subsection 1 of section 71 of *The Game and Fish Act*, 1961-62, c. 48, s. 71, subs. 1, amended 1961-62 is amended by striking out "fourteen" in the fourth line and inserting in lieu thereof "ten", so that the subsection shall read as follows:

- (1) Except under the authority of a licence issued on such terms and conditions as are prescribed by the regulations, no person shall keep live game or a wolf in captivity for more than ten days.

15. Subsection 2 of section 80 of *The Game and Fish Act*, 1961-62, c. 48, s. 80, subs. 2, amended 1961-62 is amended by striking out "an air-gun or" in the seventh line and inserting in lieu thereof "a", so that the subsection shall read as follows:

- (2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order.

16.—(1) Section 83 of *The Game and Fish Act*, 1961-62, c. 48, s. 83, amended 1961-62, as amended by section 6 of *The Game and Fish Amendment Act*, 1962-63, is further amended by adding thereto the following paragraphs:

- 1a. requiring and prescribing the issue, form, duration and terms and conditions of coupons or tags to be issued with any licence, and requiring the licensee to make such use thereof as is prescribed;

- 1b. prescribing the calibre and type of fire-arms that may be used under section 23;

.

- 13a. prohibiting and regulating entry on Crown game preserves on Crown land.

1961-62,
c. 48, s. 83,
par. 22,
amended

(2) Paragraph 22 of the said section 83 is amended by striking out "air-guns or" in the second line, so that the paragraph shall read as follows:

22. regulating, restricting or prohibiting the possession or use of fire-arms for the purpose of hunting.

1961-62,
c. 48, s. 83,
par. 24,
re-enacted

(3) Paragraph 24 of the said section 83 is repealed and the following substituted therefor:

24. governing the sale under clause *a* or *b* of subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Game and Fish Amendment Act, 1964*.

CHAPTER 35

An Act to amend The Gasoline Handling Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Gasoline Handling Act* is amended by adding at the end thereof "or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act", so that the clause shall read as follows:

R.S.O. 1960,
c. 161, s. 1,
cl. *b*,
amended

(*b*) "Minister" means the Treasurer of Ontario or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act.

2. Section 6 of *The Gasoline Handling Act* is amended by striking out "of the Treasury Department" in the fifth line.

R.S.O. 1960,
c. 161, s. 6,
amended

3. Section 10 of *The Gasoline Handling Act* is amended by striking out "of the Treasury Department" in the first line.

R.S.O. 1960,
c. 161, s. 10,
amended

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Gasoline Handling Amendment Act, 1964*.

Short title

CHAPTER 36

An Act to amend The Gasoline Tax Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Gasoline Tax Act* is amended by striking out "13" in the third line and inserting in lieu thereof "15", so that the subsection shall read as follows: R.S.O. 1960, c. 162, s. 2, subs. 1, amended

- (1) Every purchaser of gasoline shall pay to the Minister for the use of the Crown in right of Ontario a charge or tax at the rate of 15 cents per imperial gallon on all gasoline purchased or delivery of which is received by him. Tax payable by purchaser

2. Subsection 1 of section 6 of *The Gasoline Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 162, s. 6, subs. 1, re-enacted

- (1) Subject to subsection 1a, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information to be secret

- (1a) The Minister may, Communication of information to other jurisdictions
- (a) communicate or allow to be communicated information obtained under this Act; or
- (b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and provided that

the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

Commence-
ment

3.—(1) This Act, except section 1, comes into force on the 1st day of April, 1964.

Idem

(2) Section 1 shall be deemed to have come into force on the 13th day of February, 1964.

Short title

4. This Act may be cited as *The Gasoline Tax Amendment Act, 1964*.

CHAPTER 37

An Act to amend The Highway Improvement Act

Assented to, except section 3, March 25th, 1964

Section 3 assented to May 8th, 1964

Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 28 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 28,
subs. 3,
re-enacted

- (3) While the King's Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.

Barricades

2. Subsection 1 of section 42 of *The Highway Improvement Act* is amended by inserting after "road" in the second line "that is in whole or in part", so that the subsection shall read as follows:

R.S.O. 1960,
c. 171, s. 42,
subs. 1,
amended

- (1) The Lieutenant Governor in Council may designate an existing road that is in whole or in part in territory without municipal organization as a tertiary road, and thereupon the provisions of this Act and the regulations that apply to the King's Highway, except sections 33 and 34, apply *mutatis mutandis* to such tertiary road.

Tertiary
roads,
designation

3.—(1) Subsection 3 of section 71 of *The Highway Improvement Act* is amended by inserting after "roll" in the fifth line "as adjusted by the latest provincial equalizing factor" and by inserting after "property" in the ninth line "as adjusted

R.S.O. 1960,
c. 171, s. 71,
subs. 3,
amended

by

by the latest provincial equalizing factor", so that the subsection shall read as follows:

Limit of
contribution
by city or
town

- (3) The amount to be provided by the city or separated town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or separated town according to the last revised assessment roll as adjusted by the latest provincial equalizing factor, unless in any year by agreement with the county council the council of the city or separated town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property as adjusted by the latest provincial equalizing factor, but such by-law shall not be passed until the county council has appropriated an equal amount for the like purposes to be expended in the same year.

R.S.O. 1960,
c. 171, s. 71,
amended

- (2) The said section 71 is amended by adding thereto the following subsection:

Interpre-
tation

- (4) In subsection 3, "provincial equalizing factor" means the factor determined by the Department of Municipal Affairs to adjust the local assessment of the whole or part of a municipality to the assessment to be used for grant purposes.

R.S.O. 1960,
c. 171, s. 79,
amended

- 4.—(1) Section 79 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Contribu-
tions to be
deducted

- (1a) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960,
c. 171, s. 79,
subs. 4,
re-enacted

- (2) Subsection 4 of the said section 79 is repealed and the following substituted therefor:

Exclusions

- (4) Expenditure in respect of which aid may be granted under this section does not include any amount levied in the township for county road purposes.

R.S.O. 1960,
c. 171, s. 86,
re-enacted

5. Section 86 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Contribu-
tions to be
deducted

86. Where a contribution has been made from any source whatsoever towards an expenditure to which section 83 applies, the amount of such contribution shall

be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

6. *The Highway Improvement Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 171,
amended

94a.—(1) In this section,

Interpre-
tation

(a) “expressway” means a divided arterial highway that is accessible only from intersecting arterial streets at intersections at grade that have been approved by the Minister, and, where required by the volume of traffic, at grade separated interchanges that have been approved by the Minister;

(b) “freeway” means a divided arterial highway that is accessible only from intersecting arterial streets at grade separated interchanges that have been approved by the Minister.

(2) The Minister and any municipality may enter into agreement for the construction, maintenance and operation of an urban expressway or freeway that has been designated as a controlled-access road or as a controlled-access highway under this Act. Expressways
and
freeways

7. Subsection 3 of section 97 of *The Highway Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 171, s. 97,
subs. 3,
re-enacted

(3) While a road is so closed to traffic, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. Barricades

8.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 3 comes into force on the 1st day of January, 1965. Idem

9. This Act may be cited as *The Highway Improvement Amendment Act, 1964*. Short title

CHAPTER 38

An Act to amend The Highway Traffic Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 172, s. 1,
subs. 1,
amended

18a. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(2) Paragraph 28 of subsection 1 of the said section 1 is repealed. R.S.O. 1960,
c. 172, s. 1,
subs. 1,
par. 28,
repealed

2.—(1) Subsection 1 of section 22 of *The Highway Traffic Act* is amended by inserting after "clause a" in the second line and in the third line "of subsection 1". R.S.O. 1960,
c. 172, s. 22,
subs. 1,
amended

(2) Subsection 2 of the said section 22 is amended by inserting after "clause a" in the fourth line and in the sixth line "of subsection 1". R.S.O. 1960,
c. 172, s. 22,
subs. 2,
amended

3.—(1) Subsection 10 of section 33 of *The Highway Traffic Act* is amended by striking out "one half-hour" in the second line and inserting in lieu thereof "one-half hour". R.S.O. 1960,
c. 172, s. 33,
subs. 10,
amended

(2) Subsection 22 of the said section 33 is amended by striking out "or" in the fourth line and inserting in lieu thereof "of". R.S.O. 1960,
c. 172, s. 33,
subs. 22,
amended

(3) Subsection 25 of the said section 33 is amended by striking out "one half-hour" in the fourth line and inserting in lieu thereof "one-half hour". R.S.O. 1960,
c. 172, s. 33,
subs. 25,
amended

R.S.O. 1960,
c. 172, s. 37,
subs. 1,
cl. b,
amended

4. Clause *b* of subsection 1 of section 37 of *The Highway Traffic Act* is amended by inserting after "mirror" in the first line "or mirrors", so that the clause shall read as follows:

- (b) a mirror or mirrors securely attached to the vehicle and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear.

R.S.O. 1960,
c. 172, s. 42,
subs. 6,
re-enacted

5. Subsection 6 of section 42 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (6) Every person who contravenes any of the provisions of subsection 1, 2, 3 or 5 is liable to a fine of not less than \$10 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days.

R.S.O. 1960,
c. 172, s. 47,
amended

6. Section 47 of *The Highway Traffic Act* is amended by adding thereto the following subsections:

Penalty
for refusal
to submit
vehicle to
examination

- (3) Every driver of a motor vehicle who refuses to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50.

Seizure
of plates

- (4) Where the operation of a motor vehicle or trailer has been prohibited under subsection 2, the constable or officer may seize the number plates of the motor vehicle or trailer that is in a dangerous or unsafe condition and hold them until the motor vehicle or trailer has been placed in a safe condition.

R.S.O. 1960,
c. 172, s. 59,
subs. 1,
cl. c,
repealed

7.—(1) Clause *c* of subsection 1 of section 59 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 59,
subs. 5,
amended

(2) Subsection 5 of the said section 59 is amended by striking out "50" in the sixth line and inserting in lieu thereof "60", so that the subsection shall read as follows:

increase
by by-law

- (5) The council of a city, town or village and the trustees of a police village may by by-law prescribe a higher rate of speed for motor vehicles driven on any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 60 miles per hour.

(3) Subsection 6 of the said section 59 is amended by striking out "or urban area" in the fourth line and by striking out "urban area" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 59,
subs. 6,
amended

- (6) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven on a highway or portion of a highway under its jurisdiction within a built-up area than is prescribed in subsection 1 or within a suburban district than is prescribed in such district for motor vehicles driven on a highway within a built-up area or suburban district, but such increased rate of speed shall not be more than 50 miles per hour.

increase in
built-up
area or
suburban
district

(4) Subsection 6a of the said section 59, as enacted by subsection 2 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "urban area" in the fifth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 59,
subs. 6a
(1961-62,
c. 52, s. 12,
subs. 2),
amended

- (6a) The council of a township or county may by by-law prescribe a lower or higher rate of speed for motor vehicles on a highway or portion of a highway under its jurisdiction that is not within a built-up area or suburban district than is prescribed in clause a of subsection 1, but such rate of speed shall not be less than 35 miles per hour or more than 60 miles per hour.

increase or
decrease on
township
and county
roads

8. *The Highway Traffic Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 172,
amended

- 67a.—(1) Subject to subsection 2, when a pedestrian crossing a roadway within a pedestrian crossover,

Pedestrian
crossover,
duties of
driver

- (a) is upon the half of the roadway upon which a vehicle or street car is travelling; or
- (b) is upon half of the roadway and is approaching the other half of the roadway on which a vehicle or street car is approaching so closely to the pedestrian crossover as to endanger him,

the driver of such vehicle or street car shall yield the right of way to the pedestrian by slowing down or stopping if necessary.

- (2) When a vehicle or street car is stopped at a pedestrian crossover, the driver of any other vehicle or street car overtaking the stopped vehicle or street car shall

When
vehicle
stopped at
pedestrian
crossover

bring the vehicle or street car to a full stop before entering the pedestrian crossover and shall yield the right of way to a pedestrian,

- (a) who is within the pedestrian crossover upon the half of the roadway upon which the vehicle or street car is stopped; or
- (b) who is within the pedestrian crossover and is approaching such half of the roadway from the other half of the roadway so closely to the vehicle or street car that he is in danger if the vehicle or street car were to proceed.

Passing
moving
vehicles
within
100 feet
of pedestrian
crossover

- (3) When a vehicle or street car is approaching a pedestrian crossover and is within 100 feet thereof, the driver of any other vehicle or street car approaching from the rear shall not overtake and pass such vehicle or street car.

Duties of
pedestrian

- (4) No pedestrian shall leave the curb or other place of safety at a pedestrian crossover and walk or run into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way.

Duties of
pedestrians
when cross-
ing other
than in
pedestrian
crossover

- (5) Subject to subsection 9 of section 70, when a pedestrian is crossing a roadway other than in a pedestrian crossover, he shall yield the right of way to the driver of a vehicle or street car.

Penalty

- (6) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$50.

By-laws
revoked

- (7) The part of every municipal by-law that provides for the regulation of traffic by means of pedestrian crossovers is revoked on the day this section comes into force.

R.S.O. 1960,
c. 172, s. 70,
subs. 14,
amended

9. Subsection 14 of section 70 of *The Highway Traffic Act* is amended by striking out "installed after the 9th day of April, 1936" in the first and second lines, so that the subsection shall read as follows:

Erection of
signal lights

- (14) Every signal-light traffic control system shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a

bracket

bracket or extended arm attached to a post or other standard located to the right side of the roadway used by the traffic controlled by it and to the side of the intersecting roadway that is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

10. Subsection 1 of section 77 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 77,
subs. 1,
re-enacted

- (1) Where a highway is divided into two separate roadways, no person shall operate or drive a vehicle or lead, ride or drive an animal,
- (a) along or on such highway except on the roadway on the right-hand side, having regard to the direction in which the vehicle is being operated or driven or the animal is being led, ridden or driven; or
- (b) from one roadway to the other roadway except where a crossing is provided.

Moving from
roadway to
roadway on
divided
highways

11. Subsection 1 of section 93 of *The Highway Traffic Act* is amended by inserting after "gates" in the seventh line "or railway crossing signal lights", so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 93,
subs. 1,
amended

- (1) The driver of,
- (a) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or
- (b) a public vehicle,

Vehicles
required
to stop at
railway
crossings

upon approaching on a highway a railway crossing that is not protected by gates or railway crossing signal lights or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track, and he shall not change gears while crossing.

R.S.O. 1960, c. 172, s. 99, subs. 1, re-enacted **12.** Subsection 1 of section 99 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Signs and markings

- (1) The Lieutenant Governor in Council may make regulations providing for the erection of signs and the placing of markings on any highway or any type or class thereof, and prescribing the types of such signs and markings and the location on the highway of each type of sign and marking.

R.S.O. 1960, c. 172, s. 100a (1962-63, c. 56, s. 15), amended

13. Section 100a of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Prohibiting bicycles, etc., on municipal highways

- (2) The council of a municipality may by by-law prohibit the use of bicycles or animals on any highway or portion of a highway under its jurisdiction on which the maximum speed limit is greater than 50 miles per hour.

R.S.O. 1960, c. 172, s. 111, subs. 1, re-enacted

14.—(1) Subsection 1 of section 111 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Licences suspended for convictions

- (1) The driver's licence and owner's permit or permits of every person who has been convicted of, or committed for trial or has forfeited his bail after having been arrested for, any offence under section 192, 193, 207, 221, 222 or 223 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, involving the use of a motor vehicle shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's licence or owner's permit be thereafter issued to such person, until he has given to the Registrar proof of his financial responsibility.

1953-54, c. 51 (Can.)

- (2) Subsection 3 of the said section 111 is amended by striking out "of" in the third line.

R.S.O. 1960, c. 172, s. 111, subs. 3, amended

R.S.O. 1960, c. 172, s. 112, repealed

15. Section 112 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 156, subs. 2, amended

16. Subsection 2 of section 156 of *The Highway Traffic Act* is amended by striking out "and 3" in the fourth line and inserting in lieu thereof "3 and 5", so that the subsection shall read as follows:

Arrests by officer without warrant

- (2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsections 1 and 2 of sec-

tion 7; subsections 1, 3 and 5 of section 8; subsection 1 of section 9; subsection 1 of section 10; subsection 2 or 3 of section 25; section 26, 60, 91 or 100 has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not.

17.—(1) Subsection 1 of section 157 of *The Highway Traffic Act* is amended by inserting after “the” where it occurs the first time in the ninth line “magistrate or judge may order that the”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 157,
subs. 1,
amended

(1) In the event of,

Impounding
motor
vehicle

(a) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or

1953-54,
c. 51 (Can.)

(b) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada); or

(c) a third conviction under section 6, 13, 16, 18, 60 or 91, or any of them,

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

(2) Subsection 3 of the said section 157 is amended by inserting after “therein” in the eleventh line “the magistrate or judge may order that”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 157,
subs. 3,
amended

(3) Where a person pleads guilty to any of the offences mentioned in subsection 1, the provisions of subsection 1 do not apply unless the person has been given notice,

Seizure,
etc., of
vehicle
upon con-
viction of
certain
offences

(a) by a printed or written statement upon or accompanying the summons; or

(b)

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the magistrate or judge may order that the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law".

Commence-
ment

18.—(1) This Act, except sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16 come into force on the 1st day of July, 1964.

Short title

19. This Act may be cited as *The Highway Traffic Amendment Act, 1964*.

CHAPTER 39

An Act to provide Homes for Persons requiring Special Residential and Sheltered Care

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "home for special care" means a home for the care of persons requiring nursing, residential or sheltered care;
- (b) "Minister" means the Minister of Health;
- (c) "regulations" means the regulations made under this Act;
- (d) "resident" means a person received and lodged in a home for special care under this Act.

2. The Minister is responsible for the administration of this Act.

Administra-
tion

3.—(1) The Lieutenant Governor in Council may establish one or more homes for special care.

Establish-
ment of
homes

(2) The Lieutenant Governor in Council may designate the name by which any home for special care established under subsection 1 shall be known.

Idem

4.—(1) The Lieutenant Governor in Council may approve all or any part of any institution, building or other premises or place as a home for special care.

Approval
of homes

(2) The Minister may make grants out of moneys that are appropriated therefor by the Legislature to homes for special care that he has approved under subsection 1 in such manner, in such amounts and under such conditions as are prescribed by the regulations.

Aid to
approved
homes

Licensing
of homes

5.—(1) The Minister may license homes for special care that have not been established under section 3 or have not been approved under section 4, and he may renew or cancel such licences upon such terms and conditions as the regulations prescribe.

Fee

(2) The fee for the licence mentioned in subsection 1 and the renewal thereof shall be that prescribed by the regulations.

Payments
for care
and main-
tenance

(3) The Minister may pay such amounts for the care and maintenance of residents in homes licensed under this section as are prescribed by the regulations.

R.S.O. 1960,
c. 236, may
be made
applicable
to homes

6. The Lieutenant Governor in Council may designate any provision of *The Mental Hospitals Act* or of the regulations thereunder as being applicable to any home for special care.

Regulations

7. The Lieutenant Governor in Council may make regulations with respect to homes for special care for,

- (a) their construction, alteration, equipment, safety, maintenance and repair;
- (b) their inspection, control, government, management, conduct, operation and use;
- (c) their administrators, other officers and staffs and the powers and duties thereof;
- (d) their classifications, grades and standards, and the classification of residents, and regulating and prescribing the rates and charges for residents, and prescribing the liability therefor;
- (e) the admission, treatment, care, conduct, control, custody and discharge of residents or of any class of residents;
- (f) prescribing the classes of grants to homes approved under section 4 and the methods of determining the amounts of grants, and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (g) providing for the licensing of homes for special care under section 5 and the renewal and cancellation thereof, and prescribing the fees payable for such licences;

- (h) prescribing the amounts to be paid by the Minister for the care and maintenance of residents in homes for special care licensed under section 5;
- (i) any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

8.—(1) Except during the fiscal year ending the 31st day ^{Expenses} of March, 1965, the expenses of the administration of this Act shall be paid out of the moneys appropriated therefor by the Legislature.

(2) During the fiscal year ending the 31st day of March, ^{Idem.} 1965, the expenses of the administration of this Act shall be paid out of the Consolidated Revenue Fund. ₁₉₆₄₋₆₅

9. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

10. This Act may be cited as *The Homes for Special Care* ^{Short title} *Act, 1964.*

CHAPTER 40

An Act to amend The Hospitals Tax Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Hospitals Tax Act*, R.S.O. 1960, c. 178, s. 3, as re-enacted by subsection 1 of section 1 of *The Hospitals Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor: subs. 1 (1961-62, c. 56, s. 1, subs. 1), re-enacted

(1) A purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows: Tax on admission to places of amusement

Price of Admission										Tax	
More than 75 cents and not more than 84 cents										—6 cents	
"	"	84	"	"	"	"	"	90	"	—7	"
"	"	90	"	"	"	"	"	92	"	—8	"

and, where the price of admission is more than 92 cents, a tax at the rate of 10 per cent, calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as 1 cent.

(2) Subsection 2 of the said section 3, as amended by subsection 2 of section 1 of *The Hospitals Tax Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 178, s. 3, subs. 2, repealed

2. Subsection 5 of section 10 of *The Hospitals Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 178, s. 10, subs. 5, re-enacted

(5) Every owner who fails to complete the information required in the return to be delivered to the Comptroller under subsection 1 of section 9 shall pay a penalty of 1 per cent of the tax collectable by him, but in no case shall such penalty be less than \$1 or more than \$20. Penalty for failure to complete information

R.S.O. 1960,
c. 178, s. 20,
subs. 1,
re-enacted

3. Subsection 1 of section 20 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Information
to be
secret

- (1) Subject to subsection 1a, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act.

Communica-
tion of
information
to other
jurisdictions

(1a) The Treasurer may,

- (a) communicate or allow to be communicated information obtained under this Act; or
- (b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

Commence-
ment

4. This Act comes into force on the 1st day of April, 1964.

Short title

5. This Act may be cited as *The Hospitals Tax Amendment Act, 1964*.

CHAPTER 41

An Act to amend The Hotel Fire Safety Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Hotel Fire Safety Act* R.S.O. 1960, c. 179, s. 1, cl. *f*, re-enacted is repealed and the following substituted therefor:

(*f*) “hotel” means an establishment licensed under *The Liquor Licence Act* or a tourist establishment licensed under *The Tourist Establishments Act*. R.S.O. 1960, cc. 218, 402

(2) Clause *h* of the said section 1 is amended by adding at the end thereof “*The Liquor Licence Act* or *The Tourist Establishments Act*”, so that the clause shall read as follows: R.S.O. 1960, c. 179, s. 1, cl. *h*, amended

(*h*) “inspector” means an inspector appointed under this Act, *The Liquor Licence Act* or *The Tourist Establishments Act*.

2. This Act may be cited as *The Hotel Fire Safety Amendment Act, 1964*. Short title

CHAPTER 42

**An Act to amend
The Hours of Work and Vacations with Pay Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 181, s. 1,
amended

(f) "woman" means a female employee of eighteen or more years of age;

(g) "young person" means a person under the age of eighteen years.

2. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following sections: R.S.O. 1960
c. 181,
amended

2a.—(1) Subject to subsection 3, no young person or woman shall work in a factory or shop, as defined in *The Industrial Safety Act, 1964*, between the hours of 12 o'clock midnight and 6 o'clock in the forenoon of any day, reckoned as standard time or daylight saving time, as the case may be, in effect in the municipality in which the work is performed. Young
persons and
women
1964, c. 45

(2) No young person shall work and no person shall knowingly permit a young person to work for more than the maximum hours determined by this Act in any day, notwithstanding that the work is performed in more than one industrial undertaking. More than
one employ-
ment

(3) The Minister of Labour may, where he is satisfied that the health, welfare and safety of young persons or women will not be adversely affected or endangered, grant permission upon such conditions as he determines for their employment during the hours prohibited by subsection 1. Exception

Eating
periods

- 2b. Every employer shall provide eating periods of at least one-half hour, or such shorter period as is approved by the Board, at such intervals as will result in no employee working longer than five consecutive hours without an eating period, but, where an employer has heretofore established eating periods that are shorter than one-half hour, he may with respect to his employees, other than young persons, continue the established eating periods, unless ordered to do otherwise by the Board.

R.S.O. 1960,
c. 181, s. 4,
repealed

3. Section 4 of *The Hours of Work and Vacations with Pay Act* is repealed.

R.S.O. 1960,
c. 181, s. 10,
c. b,
amended

- 4.—(1) Clause *b* of section 10 of *The Hours of Work and Vacations with Pay Act* is amended by adding at the end thereof “but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week”, so that the clause shall read as follows:

- (b) prescribing industrial undertakings and branches thereof in which the working hours prescribed by subsection 1 of section 2 may be exceeded either by specified times or under specified conditions or generally, prescribing, in each case, the maximum of such excess and imposing terms and conditions in connection therewith, but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week.

R.S.O. 1960,
c. 181, s. 10,
amended

- (2) The said section 10 is amended by adding thereto the following clause:

- (ba) prescribing the minimum rate of wages that shall be paid to young persons for hours worked in excess of the hours prescribed by subsection 1 of section 2.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1964*.

CHAPTER 43

An Act to amend The Income Tax Act, 1961-62

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Income Tax Act, 1961-62* is amended by adding thereto the following section: <sup>1961-62,
c. 60,
amended</sup>

FARMERS, FISHERMEN

4a.—(1) Where an individual whose chief source of income has been farming or fishing during a taxation year (in this section referred to as the “year of averaging”) has filed an election in accordance with subsection 1 of section 42 of the Federal Act for the year of averaging, the tax payable under this Part for the year of averaging is an amount determined by the following rules:

- (a) determine the amount (in this section referred to as the “average tax”) for each year in the averaging period (which, in this section, has the meaning given to that expression under section 42 of the Federal Act) equal to the tax that would be payable under the Federal Act, within the meaning of section 3 of this Act, if the taxable income for the year were the average net income for the year within the meaning of paragraph *c* of subsection 1 of section 42 of the Federal Act;
- (b) determine the amount (in this section referred to as the “provincial tax”) for each year in the averaging period equal to the tax that would be payable under this Part for the year if the tax that would be payable under the Federal Act for the year, within the meaning of section 3 of this Act, were the average tax for the year;

(c)

- (c) deduct from the aggregate of the provincial taxes as determined under paragraph *b* for the years in the averaging period the aggregate of the taxes payable under this Part for the preceding years (which, in this section, has the meaning given to that expression under section 42 of the Federal Act),

and the remainder obtained under paragraph *c* is the tax payable under this Part for the year of averaging.

Idem

- (2) Subsection 1 applies only in the case of an individual who,

(a) throughout the averaging period,

(i) resided in Ontario, and

(ii) did not carry on a business with a permanent establishment (which, in this subsection, has the meaning given to that expression under the regulations made pursuant to section 33 of the Federal Act) outside Ontario; or

(b) throughout the averaging period,

(i) resided outside Ontario, and

(ii) had no income other than his income from the carrying on of a business with a permanent establishment in Ontario and nowhere else.

Idem

- (3) For the purposes of this Act, where the tax payable by an individual under this Part for the year of averaging would, but for subsection 2, be an amount determined under subsection 1, the tax that would have been payable by the individual under the Federal Act for the year of averaging, within the meaning of section 3 of this Act, had no election been made by him under section 42 of the Federal Act for that year, shall be deemed to be the tax payable under the Federal Act by the individual for the year of averaging.

Idem

- (4) Where this section, except subsection 3, is applicable to the computation of a taxpayer's tax for a taxation year and the aggregate of the taxes payable under

this

this Part for the preceding years exceeds the aggregate of the provincial taxes as determined under paragraph *b* of subsection 1 for the years in the averaging period, the excess shall be deemed to be an overpayment made when the notice of assessment for the year of averaging was mailed.

- (5) The provisions of this Part relating to the assessment^{Idem} of tax, interest and penalties apply *mutatis mutandis* to an assessment whereby, for the purposes of this section, it is determined by the Treasurer that no tax is payable under this Part for the year of averaging or that an overpayment has been made as described in subsection 4.
- (6) Where an election for a year of averaging filed under^{Idem} subsection 1 of section 42 of the Federal Act has been revoked by the taxpayer in accordance with subsection 4 of section 42 of the Federal Act, subsection 1 of this section is not applicable in determining the tax payable under this Part for the year of averaging.

2. This Act applies in respect of the taxation year 1963^{Application of Act} and in respect of subsequent taxation years.

3. This Act comes into force on the day it receives Royal^{Commencement} Assent.

4. This Act may be cited as *The Income Tax Amendment*^{Short title} *Act, 1964*.

CHAPTER 44

An Act to amend The Industrial Farms Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Industrial Farms Act* ^{R.S.O. 1960, c. 185, s. 5, amended} is amended by striking out “or to an industrial refuge for females” in the eighth line, so that the subsection shall read as follows:

- (2) A male prisoner in an industrial farm whose sentence ^{Transfer of prisoners} has not expired may be transferred to an Ontario reformatory or to the jail of the county or district in which he was sentenced or to any other industrial farm or jail upon the warrant of an officer mentioned in subsection 1, and any such officer may also direct the removal of any female prisoner in an industrial farm to the Andrew Mercer Reformatory for Females or to the common jail of the county or district in which she was sentenced.

2. This Act may be cited as *The Industrial Farms Amendment Act, 1964*. ^{Short title}

CHAPTER 45

The Industrial Safety Act, 1964

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,Interpre-
tation

- (a) "child" means a person under the age of fifteen years;
- (b) "Crown" includes a board, commission or agency of the Crown and The Hydro-Electric Power Commission of Ontario;
- (c) "employer" means a person who in his own behalf, or as the manager, superintendent or agent, has charge of an industrial establishment, and includes the Crown and a person who is self-employed, and, in the case of an office building, includes the superintendent, manager or caretaker thereof, and, for the purposes of Part II, means a person who in his trade or business gives homework to one or more homeworkers, and includes a homeworker who gives homework to one or more other homeworkers;
- (d) "engineer of the Department" means a professional engineer, as defined in *The Professional Engineers Act*, appointed to enforce this Act; R.S.O. 1960.
c. 309
- (e) "factory" means a premises or place other than a premises or place where homework is done,
 - (i) where any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,
 - (ii) where any form of thermal, hydraulic, electrical, aero-dynamic, kinetic, chemical, nuclear, solar or other form of energy is used to

work

work any machinery or device, or where any form of such energy is modified in any manner in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, or

- (iii) wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, demolishing, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes,

and any other building, premises, shop, workshop, structure, room or place, designated by the Minister as a factory under section 3;

- (f) "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation, and "homeworker" has a corresponding meaning;
- (g) "industrial establishment" means a factory, shop, office or office building;
- (h) "inspector" means an inspector appointed for the purposes of this Act, and includes the chief inspector;
- (i) "Minister" means the Minister of Labour;
- (j) "office" includes a building or that part of a building occupied and under the control of a separate employer and used for office purposes, and any other building or part thereof designated by the Minister as an office under section 3;
- (k) "office building" means a building used or occupied for office purposes and not as a shop or factory, and includes a part of a building when so used or occupied,

and

and any other building or part thereof designated by the Minister as an office building under section 3;

- (l) "owner" means the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents and profits of any premises used as an industrial establishment so far as such rents and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon, and includes the Crown;
- (m) "parent" means a parent or the guardian of a child, or the person having the legal custody of, control over, or direct benefit from the wages of, a child;
- (n) "regulations" means the regulations made under this Act;
- (o) "safety" means freedom from injury to the body or freedom from damage to health;
- (p) "shop" means a building or a part of a building, booth, stall or place where goods are handled or exposed or offered for sale, or any building or part of a building, booth, stall or place where services are offered for sale or where goods are manufactured and that is not a factory or a premises or place where homework is done to which this Act applies, and includes a restaurant, bowling alley, pool room and billiard parlour and any other building, booth, stall or place designated by the Minister as a shop under section 3;
- (q) "wages" means wages within the meaning of *The R.S.O. 1960, Wages Act*. R.S.O. 1960, c. 130, s. 1, *amended*. c. 421

PART I

INDUSTRIAL ESTABLISHMENTS

2. The Crown, or a municipality as defined in *The Department of Municipal Affairs Act*, using and occupying an office building shall be deemed to be the owner thereof for the purposes of this Act. R.S.O. 1960, c. 130, s. 3, *amended*. Crown and municipalities deemed owners
R.S.O. 1960, c. 98

3. The Lieutenant Governor in Council may designate any class of premises, buildings, shops, workshops, structures, rooms or places as factories, shops, offices or office buildings, as the case may be, to which this Act applies. *New*. Designation of factories, shops, offices or office buildings

Places
deemed
factories

4. Every place,

(a) where a laundry is operated in conjunction with,

R.S.O. 1960,
cc. 322, 236,
359, 307, 315

(i) a public hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanitarium licensed under *The Private Sanitaria Act* or a psychiatric hospital established under *The Psychiatric Hospitals Act*,

R.S.O. 1960,
c. 305

(ii) a private hospital licensed under *The Private Hospitals Act*,

R.S.O. 1960
c. 180

(iii) an hotel within the meaning of *The Hotel Registration of Guests Act* or a motel, or

(iv) an institution for religious, charitable or educational purposes;

(b) where the general public is invited on a self-service basis to use machinery for laundering, drying or dry cleaning installed therein; or

(c) where any person is employed in public laundry work except custom laundry done for a regular family trade by a person in her dwelling,

shall, except for the purposes of section 16, be deemed to be a factory to which this Act applies. *New.*

When Act
does not
apply

5. This Act does not apply to,

1960-61,
c. 11

(a) a construction hoist within the meaning of *The Construction Hoists Act, 1960-61*;

R.S.O. 1960,
c. 241

(b) a mine and machinery within the meaning of *The Mining Act* and including office and service buildings located at a mine;

1962-63,
c. 76

(c) loggers within the meaning of *The Loggers' Safety Act, 1962-63*;

1964, c. 27

(d) a well or work within the meaning of *The Energy Act, 1964*; and

(e) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations. *New.*

6. Such part of an industrial establishment as the chief inspector approves in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. ^{Separate industrial establishments} R.S.O. 1960, c. 130, s. 5 (1), *revised*.

7.—(1) For the purpose of carrying out this Act, such inspectors as are deemed necessary to enforce this Act may ^{Appointment of inspectors} be appointed, and one of them may be designated as the chief inspector who shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act. R.S.O. 1960, c. 130, s. 17, *revised*.

(2) Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister, ^{Certificate of appointment} and, on applying for admission to any premises, shall, upon demand, produce his certificate. R.S.O. 1960, c. 130, s. 20.

8.—(1) An inspector may, for the purposes of this Act, ^{Powers of inspector}

(a) subject to subsection 3, enter in or upon, take up or use any property, real or personal, at any time without warrant;

(b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;

(c) alone or in conjunction with such other person or persons possessing special or expert technical knowledge or skill as the Minister designates, make such examinations, tests, inquiries or, subject to subsection 2, take such samples as are necessary to ascertain whether this Act and the regulations are being complied with;

(d) take with him a constable into an industrial establishment in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, and, whenever the inspector requires a constable authorized to act in the locality to accompany him, it is the duty of the chief constable and every member of the police force in the locality to render him such assistance in carrying out his duties under this Act as he requires, and to put down by force if necessary any resistance, obstruction or hindrance;

(e) examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, any person whom he finds in an industrial establishment or whom he has reasonable

cause

cause to believe to be or to have been within the two preceding months employed in an industrial establishment, and require such person to be so examined and to sign a statutory declaration of the truth of the matters respecting which he is so examined; R.S.O. 1960, c. 130, s. 19 (1), cls. (a-e), *amended*.

(f) take with him into any premises a duly qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health; R.S.O. 1960, c. 130, s. 21.

(g) exercise such other powers and do such other things as are necessary for the carrying out of this Act and the regulations. R.S.O. 1960, c. 130, s. 19 (1), cl. (f).

Samples

(2) Where an inspector takes a sample under clause c of subsection 1, the owner, employer or person in charge of the place from which the sample is taken may, at the time the sample is taken and upon providing the necessary facilities, require the inspector to divide the sample into two parts and to deliver one part to such owner, employer or person. *New*.

Entry to dwellings

(3) An inspector shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*. R.S.O. 1960, c. 130, s. 22, *amended*.

R.S.O. 1960,
c. 387

Powers on investigation

(4) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 130, s. 19 (1), cl. (f), *amended*.

R.S.O. 1960,
c. 323

Obstruction of inspector

9.—(1) No person shall obstruct or attempt to obstruct an inspector in the exercise of a power or the performance of a duty under this Act. *New*.

Co-operation by owner and employer

(2) The owner and employer and their agents and servants shall furnish all means in their power required by an inspector for entry, inspection, examination, testing and inquiry in the exercise of his powers and duties. R.S.O. 1960, c. 130, s. 19 (2), *amended*.

Directions by inspector where non-compliance with Act or regulations

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations and may require that his directions be carried out within such time as he specifies.

(2) If a person to whom an inspector gives oral directions ^{In writing} under subsection 1 requests that the directions be put in writing, the inspector shall put the directions in writing.

(3) Any owner or employer affected by a direction of an ^{Appeal from direction} inspector under subsection 1 may appeal therefrom by forthwith giving notice to the chief inspector orally or in writing.

(4) Oral notice of appeal may be given by telephone and ^{Oral notice of appeal} shall be confirmed in writing.

(5) The chief inspector shall vary, rescind or confirm the ^{Disposal of appeal} direction after giving the owner or employer an opportunity to be heard. *New.*

11.—(1) Where an inspector considers that any place, ^{Directions by inspector where safety endangered} matter or thing, or any part or parts thereof, in an industrial establishment is a source of danger to the safety of persons employed therein or having access thereto, he,

(a) shall give such directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to take measures for guarding the source of danger, or

(ii) to protect the safety of any person against dangers therefrom; and

(b) may direct that any place, matter or thing shall not be used until his directions are complied with.
R.S.O. 1960, c. 130, s. 53 (1), *revised.*

(2) Where an inspector gives a direction under clause ^b of subsection 1, he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. ^{Affixing notice prohibiting use} R.S.O. 1960, c. 130, s. 53 (2).

12. Where this Act or the regulations require the approval ^{Power of inspector re approvals} of an inspector, the approval may be given upon such terms and conditions as the inspector deems necessary, and the approval may be withdrawn for a breach of any condition or upon a change in relevant circumstances. *New.*

Inspector's
evidence in
civil suits

13.—(1) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties under this Act except with the written permission of the Minister. R.S.O. 1960, c. 130, s. 23, *amended*.

Information
confidential

(2) No person who is admitted into any industrial establishment in pursuance of the powers conferred by section 8 shall disclose to any person any information obtained by him therein with regard to any manufacturing process or trade secret except for the purposes of this Act or as required by law.

Information
not to be
published

(3) No person, except for the purposes of this Act or for the purposes of a prosecution, shall publish or disclose the results of any analysis, examination, testing, inquiry or sampling made or taken under this Act.

Information
not to be
disclosed

(4) No person to whom information is communicated in confidence under section 8,

(a) shall divulge the name of the informant to any person except for the purposes of this Act;

(b) is competent or compellable to divulge the name of the informant before any court or other tribunal.

Inspector
not liable

(5) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. *New*.

Posting of
notices

14.—(1) An inspector shall post up in an industrial establishment, in such conspicuous positions as he determines,

(a) a notice of the name and address of the inspector; and

(b) such notices of the provisions of this Act and the regulations as the inspector deems necessary to enable the persons therein to become acquainted with their rights, liabilities and duties under this Act.

Removal of
notices

(2) Every employer shall maintain in position and without change or defacement any notice or document posted under this Act or the regulations until otherwise directed by an inspector, and no person shall remove, change or deface any such notice or document. R.S.O. 1960, c. 130, s. 24 (1), *part, amended*.

15.—(1) The sending or service of any notice, order, direc-^{Service}tion, summons or document to or upon any person for the purposes of this Act or the regulations shall be made,

- (a) by serving it personally on such person;
- (b) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer, by leaving it at the industrial establishment for which he is the employer; or
- (c) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively, in the case of an employer, addressed to the industrial establishment for which he is the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending or service on the date of the leaving or mailing. R.S.O. 1960, c. 130, s. 25, *amended*.

(2) The service or sending of a notice, order, direction,^{Proof of mailing} summons or document under clause *c* of subsection 1 may be proved by affidavit of the person who mailed the notice, order, direction, summons or document, and the affidavit shall state,

- (a) the place and date of mailing;
- (b) the name of the person and the address to which the notice, order, direction, summons or document was sent; and
- (c) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction, summons or document was sent is the last known or usual address,
 - (i) of the person to whom it was sent, or
 - (ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. *New*.

16.—(1) Subject to subsections 4 and 5, no person shall ^{Approval of drawings and specifications}commence to construct or reconstruct a building or add to or alter an existing building,

- (a) that is to be or is used as a factory;
- (b) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or

(c)

(c) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,

(i) exterior walls, or

(ii) any combination of exterior walls and interior fire-resistive walls without any opening to another building,

or install or alter in an industrial establishment any equipment, machinery or device designated by the regulations until the drawings and specifications thereof have been approved by an engineer of the Department. R.S.O. 1960, c. 130, s. 13 (1).

Application
for approval

(2) An application for approval shall be in the form prescribed by the regulations, and shall,

(a) be accompanied by the drawings and specifications in duplicate of the proposed construction, reconstruction, addition, installation or alteration and the estimated cost thereof; and

(b) be supplemented by such additional information as an engineer of the Department requires. R.S.O. 1960, c. 130, s. 13 (2), *amended*.

Approval
of speci-
fication

(3) Upon payment of the fee therefor, an engineer of the Department shall examine the drawings and specifications and, if they comply with this Act and the regulations, he shall certify his approval thereon and return one copy to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings and specifications as approved. R.S.O. 1960, c. 130, s. 13 (4), *amended*.

Preliminary
approval

(4) An engineer of the Department may grant a preliminary approval of the drawings and specifications.

Idem

(5) Where the drawings and specifications of any building have received a preliminary approval under subsection 4 and construction of the building has commenced, but the approval under subsection 3 has not been certified thereon, no person shall occupy or use the building as a factory, shop, office or office building. *New*.

Notice of
occupation
of factory

17.—(1) Every employer, upon commencing to occupy a factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business

of the factory is to be carried on, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. R.S.O. 1960, c. 130, s. 15, *amended*.

(2) Upon receipt of the notice in writing under subsection 1 and of a report by an inspector, the chief inspector shall register the employer in the name of the firm under which the business of the factory is to be carried on, and shall forthwith issue to the employer a certificate of registration of such factory. Registration of employers

(3) Every employer who is issued a certificate of registration shall forthwith upon its receipt post it up in a conspicuous place in the factory and shall ensure that it is maintained in position without change or defacement. *New*. Posting of certificate of registration

18. The Minister may suspend or revoke any approval, permit or registration granted under this Act. R.S.O. 1960, c. 130, s. 16, *amended*. Revocation of approvals, permits or registration

19.—(1) Every employer shall keep his industrial establishment so that the safety of persons in the establishment is not likely to be endangered. R.S.O. 1960, c. 130, s. 66, *amended*. Safety

(2) Without restricting the generality of subsection 1, where, in an industrial establishment, When safety deemed endangered

(a) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened; R.S.O. 1960, cc. 97, 300

(b) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder; 1962-63, c. 8

(c) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder; R.S.O. 1960, c. 119

(d) *The Operating Engineers Act* and the regulations thereunder are contravened; or R.S.O. 1960, c. 282

(e) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act, 1961-62*, 1961-62, c. 18

such

such industrial establishment shall be deemed to be kept so that the safety of persons therein is endangered. R.S.O. 1960, c. 130, ss. 57, 58.

Safety
precautions

(3) Every employer shall take such precautions as are reasonable in the circumstances to ensure the safety of every person in the industrial establishment. *New.*

Duty of
lessee

20. Every person in possession of an industrial establishment or part thereof, other than the owner, is jointly responsible with the owner for any thing that the owner is required to do under this Act or the regulations if such thing is the obligation of the person in possession to do under the agreement for possession. *New.*

Persons
deemed
employees

21.—(1) A person who has charge and control of an industrial establishment shall be deemed to be the employer of every person,

(a) working therein, notwithstanding that the work is performed under a contract with another person; or

(b) found in a factory except at meal times or while the machinery of the factory is stopped or except when present for the purpose of bringing food to persons employed in the factory,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act, 1961-62.*

1961-62,
c. 18

Person
deemed
employer

(2) Notwithstanding subsection 1, any person who under a contract with an employer of an industrial establishment supplies the employer with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied. *New.*

Exemption

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause *b* of subsection 1. R.S.O. 1960, c. 130, s. 9 (2), *revised.*

Unsafe
equipment

22.—(1) No person who has reasonable cause to believe that any machine, device or thing in or about an industrial establishment is unsafe or in contravention of this Act or the regulations shall use or operate or cause or permit it to be used or operated.

(2) No person shall use or operate any machine, device or thing in or about an industrial establishment in an unsafe manner or in a manner that does not comply with the regulations. *New.* ^{Unsafe operation}

23. No person on his own behalf or for any other person shall make any agreement for sale or sell, lease or transfer possession of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing is unsafe or does not comply with the regulations. *New.* ^{Sale of unsafe equipment}

24.—(1) Subject to subsection 2, no person shall employ a child in an industrial establishment. R.S.O. 1960, c. 130, s. 26, *amended.* ^{Employment of children}

(2) A child who is fourteen years of age may be employed in a shop, office or office building under such conditions as are prescribed by the regulations. *New.* ^{Employment of children 14 years of age}

(3) Where a parent consents to the employment of his child in an industrial establishment contrary to subsection 1 or 2, the parent shall be deemed to have contravened this Act. R.S.O. 1960, c. 130, s. 68, *amended.* ^{Parental consent}

(4) The employment of a child in an industrial establishment contrary to subsection 1 or 2 is *prima facie* proof of the consent of his parent thereto. *New.* ^{Proof}

25. No employer shall employ a person who is not a child but is under the age of sixteen years in an industrial establishment during school hours unless such person has furnished to the employer a certificate issued in accordance with *The Schools Administration Act* permitting the absence of such person from school, and the certificate shall be kept on file by the employer and produced upon demand of an inspector. R.S.O. 1960, c. 361 ^{Employment of adolescents}

26.—(1) The Lieutenant Governor in Council may make such regulations as in his opinion are advisable to ensure the safety and welfare of persons in or about industrial establishments. ^{Regulations}

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations, ^{Idem}

1. prescribing forms and providing for their use;
2. providing for and prescribing fees;
3. requiring and prescribing the notices in one or more languages that shall be posted by employers;

4. prescribing the records that shall be kept by owners and employers;
5. respecting the duties and powers of inspectors or engineers of the Department;
6. designating equipment, machinery and devices for the purposes of section 16 and prescribing the nature of the drawings and specifications to be submitted under this Part and by whom such drawings and specifications shall be prepared or certified;
7. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons in connection with any industrial establishment;
8. respecting the use of any material or process;
9. regulating or prohibiting the sale, installation or use of any machine, device or thing;
10. exempting any person or any class of persons from the application of or compliance with this Part or the regulations or of any of the provisions thereof;
11. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Part or the regulations or of any of the provisions thereof;
12. requiring and regulating protective clothing and safety devices for persons employed or working in any manufacturing or industrial undertaking or process or who are exposed to any hazards;
13. respecting any poisonous, dangerous or harmful material, substance or thing;
14. prescribing the conditions under which the safety of persons is deemed to be endangered for the purpose of section 19;
15. prescribing the conditions under which a child who is fourteen years of age may be employed in a shop, office or office building;
16. respecting the weight that may be lifted, carried or moved by any person or class of persons employed in an industrial establishment or any class thereof;
17. respecting protection from fire in an industrial establishment;

18. respecting the provision and maintenance of any sanitary convenience or welfare provision in an industrial establishment;
19. respecting the employment of pregnant females in any factory or shop;
20. respecting safe atmospheric conditions to which any person or class of persons in an industrial establishment may be exposed in the course of any employment;
21. respecting medical examinations of person employed in an industrial establishment and the reports to be made of such examinations;
22. respecting the reporting by physicians and others of cases of affection from dangerous or harmful substances or industrial poisoning;
23. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed;
24. respecting the provision of suitable facilities for medical treatment in cases of accident or sickness and for the supervision of the general health of employees during working hours;
25. requiring that any machine, device or thing used in an industrial establishment bears the seal of approval of an organization designated to test and approve the machine, device or thing;
26. requiring the approval of an inspector in respect of any method, matter or thing;
27. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(3) Any regulation may be general or particular in its application. *New.* Application
of
regulation

PART II

HOMEWORKERS

27.—(1) No person shall employ a homemaker or do home-work without a permit therefor issued by the chief inspector. Permits

Application for permit (2) An application for a permit shall be made to the chief inspector in the prescribed form.

Issuance of permit (3) The chief inspector may issue a permit where he is satisfied that the homework can be done lawfully.

Terms and conditions (4) The chief inspector may issue a permit on such terms and conditions as he considers advisable.

Revocation and suspension
R.S.O. 1960, c. 321 (5) The chief inspector may revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is responsible for a nuisance within the meaning of *The Public Health Act*, or a breach of any Act. *New.*

Powers of inspector **28.** An inspector has the same powers and duties with respect to premises where homework is carried on and with respect to the articles and things therein as a medical officer of health under sections 82 to 93 of *The Public Health Act*. *New.*

Register of homeworkers **29.**—(1) Every employer shall keep a register and enter therein the name, address and permit number of every homeworker to whom he gives homework, and the days and hours thereof and the wages paid therefor.

Inspection of register (2) An inspector may enter the premises of an employer at any time and inspect the register required by subsection 1, and any article or thing to be delivered to or that has been received from a homeworker. *New.*

Regulations **30.** The Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) requiring the payment of fees and prescribing the amounts thereof;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. *New.*

PART III

ENFORCEMENT AND PENALTIES

Injunction proceedings **31.**—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations.

(2) The judge in his discretion may make such order, and ^{Idem} the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. *New.*

32. No person shall wilfully make a false statement or entry in a register, notice, certificate, plan, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false declaration under this Act, or knowingly make use of any such false statement, entry or declaration. R.S.O. 1960, c. 130, s. 67, *amended.* ^{False entries, etc.}

33. Where in an information it is alleged that a person is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. R.S.O. 1960, c. 130, s. 70, *amended.* ^{Onus of proof as to age}

34. Where there is an act or default that constitutes an offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. *New.* ^{Offence by persons other than employer}

35. It is sufficient in an information for an offence against this Act or the regulations to name the employer by stating the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1960, c. 130, s. 75 (2), *revised.* ^{Name of employer}

36. Where the circumstances constituting an offence against this Act continue from day to day and, ^{Continuing offences}

(a) an information has been laid in respect of the offence; or

(b) the offence is one of employing two or more children contrary to this Act,

the offence shall be deemed to have been repeated on each day the circumstances continue. R.S.O. 1960, c. 130, s. 74, *revised.*

37. Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, a direction of an inspector or a condition of an approval or permit is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 130, s. 69, *amended.* ^{General offence and penalty}

Limitation
on prosecu-
tion

38. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. *New.*

PART IV

MISCELLANEOUS

R.S.O. 1960,
c. 130;
1960-61,
c. 27;
1961-62,
c. 86, s. 57;
1962-63,
c. 44,
repealed

39. *The Factory, Shop and Office Building Act, The Factory, Shop and Office Building Amendment Act, 1960-61, section 57 of The Municipal Amendment Act, 1961-62 and The Factory, Shop and Office Building Amendment Act, 1962-63 are repealed.*

Commence-
ment

40. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

41. This Act may be cited as *The Industrial Safety Act, 1964.*

CHAPTER 46

An Act to amend The Industrial Standards Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of section 1 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 186, s. 1,
cls. *a*, *b*,
re-enacted

(a) “Director” means the Director of Labour Standards;

(b) “employee” means a person who is in receipt of or entitled to wages.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 186, s. 1,
cl. *g*,
re-enacted

(g) “wages” includes any form of remuneration for labour performed and, without restricting the generality of the foregoing, includes payment at an hourly, daily, weekly or monthly rate or at a piece-work or unit-price rate on an incentive or production basis.

2. Section 4 of *The Industrial Standards Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 186, s. 4,
re-enacted

4. A Director of Labour Standards shall be appointed for the purposes of this Act, and the Minister may designate an officer of the Department of Labour as Administrator of Industrial Standards who may perform the duties and exercise the powers of the Director under his direction. Director
of Labour
Standards
and
Adminis-
trator of
Industrial
Standards

4a.—(1) The Minister may designate the whole of Ontario, or any part or parts thereof, as a zone or zones for an industry for the purposes of this Act and may enlarge, reduce or divide any designated zone. Designation
of zones

Interprovin-
cially com-
petitive
industries

- (2) Notwithstanding subsection 1, a zone for an industry that is designated as an interprovincially competitive industry under clause *e* of section 5 shall be the whole of Ontario, and any schedule for the industry may provide for different wages and hours and days of labour for different areas in the zone.

Designation
of industries

- 4b. The Minister may designate an industry for the purposes of this Act and may amend any designation, and, where the designated industry is not enlarged by the amendment, any schedule applying to the industry, when the amendment was made, applies to the amended designation.

R.S.O. 1960,
c. 186, s. 5,
amended

- 3.—(1) Section 5 of *The Industrial Standards Act* is amended by striking out “Board” in the first line and inserting in lieu thereof “Director”.

R.S.O. 1960,
c. 186, s. 5,
cl. *c*,
re-enacted

- (2) Clause *c* of the said section 5 is repealed and the following substituted therefor:

- (*c*) subject to subsection 2 and subject to the approval of the Lieutenant Governor in Council, and with the concurrence of the proper advisory committee, to amend any schedule, after giving notice of the terms of the proposed amendment by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone in which the schedule is in force.

R.S.O. 1960,
c. 186, s. 5,
cl. *d*,
amended

- (3) Clause *d* of the said section 5 is amended by striking out “Board” in the first line and inserting in lieu thereof “Director” and by striking out “its” in the third line and inserting in lieu thereof “his”, so that the clause shall read as follows:

- (*d*) to require any employer to pay to the Director the arrears of wages owing to an employee or employees according to any schedule and in his discretion to direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

R.S.O. 1960,
c. 186, s. 5,
cl. *e*,
subcl. ii,
amended

- (4) Subclause ii of clause *e* of the said section 5 is amended by striking out “Board” in the fourth line and inserting in lieu thereof “Director”.

R.S.O. 1960,
c. 185, s. 5,
amended

- (5) The said section 5 is further amended by adding thereto the following subsection:

Publication
of amend-
ment to
schedule
applying to
whole of
Ontario

- (2) Where a schedule applies to a zone that is the whole of Ontario, publication of the terms of the proposed

amendment

amendment in at least five newspapers designated by the Minister is sufficient notice for the purposes of clause *c* of subsection 1.

4.—(1) Section 6 of *The Industrial Standards Act* is amended by adding at the end thereof “and, subject to subsection 3, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone for which the conference is to be held”.

R.S.O. 1960,
c. 186, s. 6,
amended

(2) The said section 6 is further amended by adding thereto the following subsections:

R.S.O. 1960,
c. 186, s. 6,
amended

(2) The conference may submit to the Minister, through the officer who convenes the conference, a schedule in accordance with subsection 1 of section 7.

Submission
of schedule

(3) Where the zone referred to in subsection 1 is the whole of Ontario, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in at least five newspapers as determined by the Minister.

Notice of
conference
where zone
is whole of
Ontario

5.—(1) Subsection 1 of section 7 of *The Industrial Standards Act* is amended by striking out “The conference may submit to the Minister in writing a schedule of wages and hours and days of labour for the industry affected and the schedule may” in the first, second and third lines and inserting in lieu thereof “A schedule may”.

R.S.O. 1960,
c. 186, s. 7,
subs. 1,
amended

(2) Subsection 1 of the said section 7 is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 186, s. 7,
subs. 1,
amended

(*ea*) establish vacations with pay or payment in lieu thereof and payment for any day that may be designated as a holiday in the schedule.

(3) Clause *h* of subsection 1 of the said section 7 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 186, s. 7,
subs. 1, cl. *h*,
re-enacted

(*h*) specify the particular operations that are included in the industry and prescribe the conditions under which the operations are included.

(4) Clause *j* of subsection 1 of the said section 7 is amended by striking out “Board” in the fourth line and inserting in lieu thereof “Director”.

R.S.O. 1960,
c. 186, s. 7,
subs. 1, cl. *j*,
amended

(5) Clause *l* of subsection 1 of the said section 7 is amended by striking out “Board” in the first line and inserting in lieu thereof “Director”.

R.S.O. 1960,
c. 186, s. 7,
subs. 1, cl. *l*,
amended

R.S.O. 1960,
c. 186, s. 7,
subs. 3,
repealed

(6) Subsection 3 of the said section 7 is repealed.

R.S.O. 1960,
c. 186, s. 8,
re-enacted

6. Section 8 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Investiga-
tion of
conditions
and practices

8.—(1) The Minister may direct the officer who convenes a conference to conduct further investigations into the conditions of labour and the practices prevailing in the industry, and the officer may recommend variations in the schedule proposed by the conference.

Approval of
schedule by
Minister

(2) If, in the opinion of the Minister, the schedule submitted by the conference is agreed to by a proper and sufficient representation of employers and employees, the Minister may approve the schedule submitted by the conference with such variations recommended by the officer convening the conference as the Minister considers desirable.

Declaring
schedule
in force

(3) Upon the recommendation of the Minister, the Lieutenant Governor in Council may declare the schedule to be in force during pleasure and to be binding upon all employers and employees in a designated industry and zone.

R.S.O. 1960,
c. 186, s. 11,
re-enacted

7. Section 11 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Records to
be kept by
employers

11.—(1) An employer to whom a schedule applies shall make and keep, or cause to be made and kept, for a period of at least twelve months after work is performed by an employee, a record of the name, address, wage rate, vacations with pay or payment in lieu of vacations, hours worked and actual earnings of the employee and such other information as the regulations require.

Inspection
of records

(2) The employer shall,

(a) produce the record for inspection by any person authorized by the Director, and shall for this purpose provide access to his premises for such person at all reasonable times and at any time his employees are engaged in their work; and

(b) furnish such information from the record at such time and place as the Director requires.

Notice to
furnish
information

(3) No employer is required to furnish information under clause *b* of subsection 2 unless the Director sends a notice to the employer requiring him to furnish the

information

information within the time specified in the notice, and the information furnished shall be verified by a statutory declaration made by the employer or, where the employer is a corporation, by an officer thereof.

- (4) Any person who inspects a record under subsection 2 ^{Extracts from} may take extracts from or make copies of any entry ^{records} in the record.
- (5) An employer shall not make, keep or furnish, or ^{False or misleading information} cause to be made, kept or furnished, false or misleading entries on any records that he is required to make, keep or furnish by this Act or the regulations and shall not supply or cause to be supplied false or misleading information to the Director or any person acting under his authority.
- 11a. Any extract, copy or information furnished by an ^{Admissibility of} employer under section 11 is admissible in evidence as ^{extracts furnished by} *prima facie* proof of the contents of the record and ^{employer} has the same force and effect as the original record would have if produced.
- 11b.—(1) A certificate of the Director certifying, ^{Admissibility of Director's certificate}
- (a) that a notice was sent in accordance with subsection 3 of section 11 is admissible in evidence as *prima facie* proof that the notice was sent to and received by the employer to whom it was addressed; or
- (b) that the information required under subsection 3 of section 11 has not been furnished is admissible in evidence as *prima facie* proof that the information required has not been furnished.
- (2) A certificate signed or purporting to be signed by the ^{Idem} Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the Director to make the certificate without proof of appointment or signature.
- 11c. The sending of a notice or document to any person ^{Method of serving or sending} for the purposes of this Act or the regulations or any schedule shall be effected,
- (a) by serving it personally on such person;
- (b) by leaving it at the place of his last known or usual residence or, alternatively in the case of an employer, by leaving it at the office or business premises of the employer; or

(c)

- (c) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively in the case of an employer, addressed to the office or business premises of the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending on the date of the leaving or mailing.

R.S.O. 1960,
c. 136, s. 13,
subs. 1,
amended

8.—(1) Subsection 1 of section 13 of *The Industrial Standards Act* is amended by inserting after “schedule” in the eighth line “notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies”, so that the subsection shall read as follows:

Advisory
committee

- (1) For every zone or group of zones to which a schedule applies, the Minister may establish an advisory committee of not more than five members, one of whom shall be designated as chairman, and the committee may hear complaints of employers and employees to whom such schedule applies and may generally assist in carrying out this Act and the regulations and have jurisdiction and authority to do anything that it is authorized to do by such schedule, notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies, and shall be deemed to be a corporation for the purpose of collecting any money that it is authorized to collect or paying any money that it is authorized to pay.

R.S.O. 1960,
c. 136, s. 13,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Quorum

- (2) Three members of an advisory committee constitute a quorum whether or not a vacancy exists in the membership of the committee.

Expenses

- (3) The expenses of the members of an advisory committee properly incurred in carrying out their duties may be paid out of the moneys appropriated therefor by the Legislature.

Issuance of
overtime
permits

- (4) Where a schedule authorizes an advisory committee to issue permits for overtime work, the permits may be issued by such person or persons as the committee designates.

- (5) An employer or employee aggrieved by a decision of an advisory committee has a right of appeal from the decision to the Director, and the Director has jurisdiction to hear and determine the appeal, and his decision is final. Appeal from decision of advisory committee

9. Sections 14, 15, 16 and 17 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 186, ss. 14-17, re-enacted

- 14.—(1) Every employer who contravenes a schedule that is applicable to him or who permits or condones work in contravention thereof is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than \$50 and not more than \$200 and, in default of payment, to imprisonment for a term of not more than two months, and, for any subsequent offence, to a fine of not less than \$100 and not more than \$1,000 and, in default of payment, to imprisonment for a term of not more than six months, and, where the conviction is for failing to pay the minimum rate of wages prescribed by the schedule, shall be ordered to pay to the Director, as an additional penalty, the full amount of the wages found to be unpaid to any employee under the schedule, and the Director, in his discretion, may direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employer or employees entitled thereto. Offence
- (2) A copy of an order for payment of wages made under subsection 1 that has become final, certified as a true copy by the magistrate who made it, may be filed by the Director with the clerk of the county or district court of a county or district in which the employer carries on business or, where the amount ordered to be paid does not exceed \$400, with the clerk of a like division court, and, when so filed and upon payment of the fees of the clerk of the court, such order becomes an order of the court in which it is filed and may be enforced as a judgment of the court against the employer for the amount mentioned in the order and the fees so paid. Enforcement of order to pay wages
- (3) Every employee who contravenes a provision of a schedule is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100 and, in default of payment, to imprisonment for a term of not more than ten days. Offence
- (4) No prosecution shall be instituted under this Act without the consent of the Director, and the production Consent to prosecution

of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent.

Offence

15. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction, where no penalty has been specifically provided, is liable, for a first offence, to a fine of not less than \$50 and not more than \$200 and, in default of payment, to imprisonment for a term of not more than thirty days, and, for any subsequent offence, to a fine of not less than \$100 and not more than \$1,000 and, in default of payment, to imprisonment for a term of not more than six months.

Intimidation

- 16.—(1) No employer may discharge or threaten to discharge or in any way discriminate against an employee because the employee,

(a) has testified or is about to testify in any proceeding or investigation had or taken under this Act; or

(b) has given any information to the Director or to any person authorized by the Director regarding earnings, hours, days or conditions of labour of employees in an industry.

Reinstatement

- (2) In addition to the penalty prescribed for a breach of subsection 1, the magistrate, in his discretion, may order the employer to reinstate the employee with or without the payment of compensation by the employer for loss of earnings and other employment benefits.

Enforcement of order for reinstatement

- (3) Where an order is made under subsection 2, the employee in respect of whom the order is made may file a copy of the order, certified by the magistrate, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such, but the part of the order requiring payment of compensation is not enforceable until the order has become final.

Appeal not to operate as stay

- (4) Where an order made under subsection 2 requires an employer to reinstate an employee in employment and the employer appeals from the order, the appeal shall not operate as a stay of execution of the part of the order requiring the reinstatement.

17.—(1) Subject to subsection 2, *The Hours of Work and Vacations with Pay Act*, *The Industrial Safety Act*, 1964, *The Minimum Wage Act*, sections 379a, 379b and 379c of *The Municipal Act* and *The Woodmen's Employment Act* shall be read and construed as being subject to this Act and any schedule or regulation made thereunder.

Application of other Acts
R.S.O. 1960, c. 181
1964, c. 45
R.S.O. 1960, cc. 240, 249, 435

(2) Where a schedule under this Act prescribes rates of wages, vacations with pay or hours of labour that are different from those prescribed by or under any Act referred to in subsection 1, the greater rate of wages and vacations with pay and the lesser hours of labour shall prevail.

Rates of wages

(3) The rates of wages for apprentices to whom *The Apprenticeship and Tradesmen's Qualification Act*, 1964 applies shall be the rates provided under that Act and the regulations thereunder.

Apprentices
1964, c. 3

17a. No schedule shall apply to the mining industry or to the agricultural industry.

Where schedules not to apply

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commencement

11. This Act may be cited as *The Industrial Standards Amendment Act, 1964*.

Short title

CHAPTER 47

An Act to amend The Insurance Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 15 of section 1 of *The Insurance Act* is repealed. R.S.O. 1960, c. 190, s. 1, par. 15, repealed

(2) Paragraph 40 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 1, par. 40, re-enacted

40. “Minister” means the Attorney General.

2. Sections 2 and 3 of *The Insurance Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 2, re-enacted; s. 3, repealed

2.—(1) A Superintendent of Insurance shall be appointed who shall exercise the powers and perform the duties vested or imposed upon him by this or any other Act, shall have the general supervision of the business of insurance in Ontario and shall see that the laws relating to the conduct thereof are enforced and obeyed. Superintendent

(2) The Superintendent may, with the consent of the Minister, designate a person in his office to act as Superintendent during the absence or inability of the Superintendent. Acting Superintendent

3.—(1) Subsection 1 of section 8 of *The Insurance Act* is amended by striking out “in the Department” in the first line, so that the subsection, exclusive of the paragraphs, shall read as follows: R.S.O. 1960, c. 190, s. 8, subs. 1, amended

(1) The Superintendent shall keep the following books and records: Records of Superintendent

.

R.S.O. 1960,
c. 190, s. 8,
subs. 2,
amended

(2) Subsection 2 of the said section 8 is amended by striking out "in the Department" in the second line, so that the subsection shall read as follows:

Inspection

(2) The books and records required by this section to be kept shall be open to inspection at such times and upon payment of such fees as are prescribed by the regulations.

R.S.O. 1960,
c. 190, s. 16,
subs. 6,
amended

4. Subsection 6 of section 16 of *The Insurance Act* is amended by striking out "of the Department" in the third line, so that the subsection shall read as follows:

Expenses of
examination

(6) Where the office of an insurer at which an examination is made under this section is out of Ontario, the insurer shall pay the account in connection with such examination upon the certificate of the Superintendent approved by the Minister.

R.S.O. 1960,
c. 190, s. 74,
repealed

5. Section 74 of *The Insurance Act* is repealed.

R.S.O. 1960,
c. 190, s. 75,
subs. 1,
re-enacted

6.—(1) Subsection 1 of section 75 of *The Insurance Act* is repealed and the following substituted therefor:

Statistical
returns

(1) Every licensed insurer that carries on in Ontario the business of automobile insurance, fire insurance, property damage insurance or sprinkler leakage insurance shall prepare and file, when required, with the Superintendent, or with such statistical agency as he designates, such statistical return of the experience of such business as the Superintendent requires and in such form and manner and according to such system of classification as he approves.

R.S.O. 1960,
c. 190, s. 75,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 75 is repealed and the following substituted therefor:

Audit and
direction
where
records not
duly kept

(3) If at any time it appears to the Minister on the report of the Superintendent that the insurer's record of premium income and claims paid are not kept in such a manner as to show correctly the experience of the insurer for the purposes of the statistical return, the Minister may nominate a competent accountant to proceed under his direction to audit the books and records of the insurer and to give such instructions as will enable the officers of the insurer to keep the records correctly thereafter.

Expenses of
audit

(4) The expense of such an audit shall be borne by the insurer and shall not exceed \$15 per day and necessary travelling expenses of the accountant nominated, and the account shall, when certified and approved

under

under the hand of the Superintendent, be paid by the insurer forthwith.

- (5) Any insurer and the principal officer in Ontario of any insurer that contravenes this section is guilty of an offence.

7. Section 78 of *The Insurance Act* is amended by striking out "Department" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "Superintendent", so that the section shall read as follows: R.S.O. 1960, c. 190, s. 78, amended

78. Every person who represents orally or in writing that the issue of a licence to an insurer or the printing or publication of an annual statement in the report of the Superintendent or in any other publication of the Superintendent or any other circumstance of the supervision or regulation of the business of the insurer by law or the Superintendent is a warranty or guarantee of the financial standing of the insurer or of its ability to provide for the payment of its contracts at maturity is guilty of an offence. Statements that financial standing guaranteed by government prohibited

8.—(1) Subsection 1 of section 88 of *The Insurance Act* is amended by striking out "Department" in the second and third lines and inserting in lieu thereof "Superintendent", so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 88, subs. 1, amended

- (1) Until otherwise prescribed by the Lieutenant Governor in Council, the fees or taxes payable to the Superintendent by an insurer or other person are as mentioned in Schedule A. Fees

(2) Clause *d* of subsection 3 of the said section 88 is amended by striking out "the Department or the carrying out of the provisions of" in the first and second lines, so that the clause shall read as follows: R.S.O. 1960, c. 190, s. 88, subs. 3, cl. d, amended

- (*d*) generally for the better administration of this Act.

9. Section 218*a* of *The Insurance Act*, as enacted by section 6 of *The Insurance Amendment Act, 1961-62*, is amended by adding at the end thereof "and the certificate shall be in a form approved by the Superintendent", so that the section shall read as follows: R.S.O. 1960, c. 190, s. 218*a* (1961-62, c. 63, s. 6), amended

- 218*a*. An insurer that issues or delivers a motor vehicle liability policy in Ontario, or any renewal thereof, or any evidence of the continuation of such policy, shall issue a certificate evidencing such insurance, and the certificate shall be in a form approved by the Superintendent. Certificate of insurance

R.S.O. 1960,
c. 190, s. 319,
subs. 9,
amended

10. Subsection 9 of section 319 of *The Insurance Act* is amended by striking out "Department" in the second line and inserting in lieu thereof "Superintendent", so that the subsection shall read as follows:

Tax on
premiums

(9) In respect of all premiums on insurance effected under a licence, the licensee shall pay to the Superintendent such taxes as would be payable if such premiums had been received by a licensed insurer, and payment thereof shall accompany the monthly return provided for in subsection 8.

R.S.O. 1960,
c. 190, s. 328,
amended

11. Section 328 of *The Insurance Act* is amended by striking out "and that he is guilty of an offence" in the twelfth line, so that the section shall read as follows:

Agent to
be deemed
to hold
premium
in trust
for insurer

328. An agent or broker who acts in negotiating, or renewing or continuing a contract of insurance, other than life insurance, with a licensed insurer, and who receives any money or substitute for money as a premium for such a contract from the insured, shall be deemed to hold such premium in trust for the insurer, and, if he fails to pay the premium over to the insurer within fifteen days after written demand made upon him therefor, less his commission and any deductions to which, by the written consent of the company, he is entitled, such failure is *prima facie* evidence that he has used or applied the premium for a purpose other than paying it over to the insurer.

R.S.O. 1960,
c. 190,
Sched. C,
amended

12. Schedule C to *The Insurance Act* is amended by striking out "DEPARTMENT OF INSURANCE" in the second line and inserting in lieu thereof "THE INSURANCE ACT", so that the Schedule shall read as follows:

SCHEDULE C

(Section 304)

No. Term of licence. to

THE INSURANCE ACT ONTARIO

RECIPROCAL INSURANCE LICENCE

This is to certify that.
being an exchange within the meaning of *The Insurance Act*, has complied with the said Act; and the subscribers of the said exchange are hereby licensed and authorized for and during the term beginning on the day of, 19....., and ending on the day of, 19....., to exchange reciprocal contracts of indemnity or inter-insurance (*here state class of insurance*).

.....
Superintendent of Insurance

13.—(1) This Act, except sections 5 and 6, comes into ^{Commence-}_{ment} force on the day it receives Royal Assent.

(2) Sections 5 and 6 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.

14. This Act may be cited as *The Insurance Amendment* ^{Short title}
Act, 1964.

CHAPTER 48

**An Act to repeal
The Investigation of Titles Act**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Investigation of Titles Act* and *The Investigation of Titles Amendment Act, 1962-63* are repealed. R.S.O. 1960, c. 193; 1962-63, c. 65, repealed
- 2.** Any reference in or under any Act to *The Investigation of Titles Act* shall be deemed to be a reference to Part III of *The Registry Act*. References to *The Investigation of Titles Act* R.S.O. 1960, c. 348
- 3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
- 4.** This Act may be cited as *The Investigation of Titles Repeal Act, 1964*. Short title

CHAPTER 49

**An Act to amend
The Junior Farmer Establishment Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Junior Farmer Establishment Act*, as re-enacted by section 7 of *The Junior Farmer Establishment Amendment Act, 1962-63*, is amended by striking out “\$20,000” in the first line and inserting in lieu thereof “\$40,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 198, s. 14
(1962-63,
c. 66, s. 7),
subs. 1,
amended

(1) No loan shall exceed \$40,000.

Limitation
as to loan

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1964*.

Short title

CHAPTER 50

An Act to amend The Jurors Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 59 of *The Jurors Act* is amended by striking out “and also on the door of the court house of the county, or if there is no court house, then in some other public place” in the second, third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 199, s. 59, subs. 1, amended

- (1) Upon receipt of the precept, the sheriff shall post up in his office written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and at that time and place he shall draft the panel by ballot from the jury list in the presence of the clerk of the peace and a justice of the peace required to attend upon reasonable notice from the sheriff. Sheriff to give notice and draft panel

2. This Act may be cited as *The Jurors Amendment Act*, Short title 1964.

CHAPTER 51

An Act to amend The Juvenile and Family Courts Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Juvenile and Family Courts Act* is amended by striking out “the judge” in the second line and inserting in lieu thereof “one or more judges”, so that the subsection shall read as follows: R.S.O. 1960,
c. 201, s. 4,
subs. 1, amended

(1) The Lieutenant Governor in Council may appoint one or more judges of a juvenile and family court who shall hold office during good behaviour. Appointment
of one or
more judges

(2) Subsection 2 of the said section 4 is repealed and the following substituted therefor: R.S.O. 1960,
c. 201, s. 4,
subs. 2,
re-enacted

(2) Where there is more than one judge of a juvenile and family court, the Lieutenant Governor in Council may designate one of the judges as senior judge and may designate one of the judges as an associate senior judge. Senior
judge

(3) Subsection 4 of the said section 4 is amended by striking out “and deputy judges” in the second line. R.S.O. 1960,
c. 201, s. 4,
subs. 4,
amended

(4) Subsection 5 of the said section 4 is repealed and the following substituted therefor: R.S.O. 1960
c. 201, s. 4,
subs. 5,
re-enacted

(5) The provisions of *The Public Service Act, 1961-62* as to age of retirement of civil servants apply *mutatis mutandis* to judges of juvenile and family courts. Retirement
age
1961-62
c. 121

(5) Subsection 6 of the said section 4 is amended by striking out “or deputy judge” in the second line and by striking out “or deputy judge” in the third line. R.S.O. 1960,
c. 201, s. 4,
subs. 6,
amended

R.S.O. 1960,
c. 201, s. 5,
subs. 1,
amended

2.—(1) Subsection 1 of section 5 of *The Juvenile and Family Courts Act* is amended by striking out “and deputy judge” in the first line and by striking out “or deputy judge, as the case may be” in the second line.

R.S.O. 1960,
c. 201, s. 5,
subs. 2
(1960-61,
c. 42, s. 2),
amended

(2) Subsection 2 of the said section 5, as enacted by section 2 of *The Juvenile and Family Courts Amendment Act, 1960-61*, is amended by striking out “and deputy judge” in the first line.

R.S.O. 1960,
c. 201, s. 5a
(1960-61,
c. 42, s. 3),
amended

3. Section 5a of *The Juvenile and Family Courts Act*, as enacted by section 3 of *The Juvenile and Family Courts Amendment Act, 1960-61*, is amended by striking out “and deputy judge” in the first line.

R.S.O. 1960,
c. 201, s. 14,
amended

4. Section 14 of *The Juvenile and Family Courts Act*, as amended by section 2 of *The Juvenile and Family Courts Amendment Act, 1961-62*, is further amended by striking out “judge and deputy” in the second line.

R.S.O. 1960,
c. 201, s. 15,
amended

5. Section 15 of *The Juvenile and Family Courts Act* is amended by adding at the end thereof “or, where there is a senior judge, the senior judge”, so that the section shall read as follows:

Control of
officers
and staff

15. The officers and members of the staff of a juvenile and family court shall act in accordance with the directions of the judge of the court or, where there is a senior judge, the senior judge.

R.S.O. 1960,
c. 201, s. 16,
subs. 1,
amended

6.—(1) Subsection 1 of section 16 of *The Juvenile and Family Courts Act*, as amended by subsection 1 of section 3 of *The Juvenile and Family Courts Amendment Act, 1961-62*, is further amended by striking out “judge, deputy” in the fourth line and by striking out “judge, deputy” in the sixth line.

R.S.O. 1960,
c. 201, s. 16,
subs. 2
(1961-62,
c. 67, s. 3,
subs. 2),
amended

(2) Subsection 2 of the said section 16, as re-enacted by subsection 2 of section 3 of *The Juvenile and Family Courts Amendment Act, 1961-62*, is amended by striking out “every full-time deputy judge” in the first and second lines and by striking out “and every part-time deputy judge who also sits as a magistrate in a magistrate’s court” in the third, fourth and fifth lines, so that the subsection shall read as follows:

Judges’
salaries,
payment of

(2) The salary of every full-time judge and every part-time judge who also sits as a magistrate in a magistrate’s court shall be paid out of the moneys that are voted therefor by the Legislature, and an amount

equal

equal to the salary and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

8. This Act may be cited as *The Juvenile and Family* ^{Short title} *Courts Amendment Act, 1964.*

CHAPTER 52

**An Act to amend
The Killarney Recreational Reserve Act, 1962-63**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The name “Killarney Recreational Reserve”, wherever it occurs in *The Killarney Recreational Reserve Act, 1962-63* and in the long title, the short title and the Schedule thereto, is struck out and the name “North Georgian Bay Recreational Reserve” inserted in lieu thereof.

2. This Act may be cited as *The Killarney Recreational Reserve Amendment Act, 1964*.

CHAPTER 53

An Act to amend The Labour Relations Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Labour Relations Act* is repealed. R.S.O. 1960,
c. 202, s. 1,
subs. 1, cl. *d*,
repealed

2. Section 13, section 13*a*, as enacted by section 2 of *The Labour Relations Amendment Act, 1961-62*, and section 14 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 202, s. 13,
re-enacted;
s. 13*a*
(1961-62,
c. 68, s. 2),
repealed;
s. 14,
re-enacted

- 13.—(1) Where notice has been given under section 11 or 40, the Minister, upon the request of either party, shall appoint a conciliation officer to confer with the parties and endeavour to effect a collective agreement. Appointment of
conciliation
officer,
where notice
given
- (2) Notwithstanding the failure of a trade union to give written notice under section 11 or the failure of either party to give written notice under sections 40 and 95, where the parties have met and bargained, the Minister, upon the request of either party, may appoint a conciliation officer to confer with the parties and endeavour to effect a collective agreement. Idem, where
no notice
given
- (3) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties, the Minister may, upon the request of either party, appoint a conciliation officer to confer with the parties and endeavour to effect a collective agreement. Idem,
voluntary
recognition
- (4) Notwithstanding anything in this Act, where the Minister has appointed a conciliation officer or a mediator and the parties have failed to enter into a Second
conciliation

collective

collective agreement within fifteen months from the date of such appointment, the Minister may, upon the joint request of the parties, again appoint a conciliation officer to confer with the parties and endeavour to effect a collective agreement, and, upon such appointment being made, sections 14 to 31 and 54 to 59 apply, but such appointment is not a bar to an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit.

Appoint-
ment of
mediator

14. Where the Minister is required or authorized to appoint a conciliation officer, he may, on the joint request of the parties in writing and in lieu of appointing a conciliation officer, appoint a mediator selected by them jointly.

R.S.O. 1960,
c. 202, s. 34,
subs. 5,
repealed

3. Subsection 5 of section 34 of *The Labour Relations Act* is repealed.

R.S.O. 1960,
c. 202, s. 45,
subs. 2,
amended

4. Subsection 2 of section 45 of *The Labour Relations Act* is amended by striking out "the Board has granted a request for conciliation services" in the fifth line and inserting in lieu thereof "the Minister has appointed a conciliation officer or mediator", so that the subsection shall read as follows:

for failure
to bargain

- (2) Where a trade union that has given notice under section 11 or section 40 or that has received notice under section 40 fails to commence to bargain within sixty days from the giving of the notice or, after having commenced to bargain but before the Minister has appointed a conciliation officer or mediator, allows a period of sixty days to elapse during which it has not sought to bargain, the Board may, upon the application of the employer or of any of the employees in the bargaining unit and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit.

R.S.O. 1960,
c. 202,
amended

5. *The Labour Relations Act* is amended by adding thereto the following section:

Termination
of bargain-
ing rights
after
voluntary
recognition

- 45a.—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing any employee in the bargaining unit, during the first year of the

period of time that the first collective agreement between them is in operation, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

- (2) Before disposing of an application under subsection 1, the Board may make such inquiry, require the production of such evidence and the doing of such things, or hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (3) On an application under subsection 1, the onus of establishing that the trade union was entitled to represent the employees in the bargaining unit at the time the agreement was entered into rests on the parties to the agreement. Onus
- (4) Upon the Board making a declaration under subsection 1, the collective agreement in operation between the trade union and the employer ceases to operate forthwith. Declaration to terminate agreement

6.—(1) Subsection 1 of section 46 of *The Labour Relations Act* is amended by striking out “Board has granted a request for conciliation services” in the third and fourth lines and inserting in lieu thereof “Minister has appointed a conciliation officer or mediator”, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 202, s. 46, subs. 1, amended

- (1) Where a trade union has not made a collective agreement within one year after its certification and notice has been given under section 11 and the Minister has appointed a conciliation officer or a mediator, no application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate shall be made, Application for termination after conciliation following notice under s. 11

.

(2) Subsection 2 of the said section 46 is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 46, subs. 2, re-enacted

- (2) Where notice has been given under section 40 and the Minister has appointed a conciliation officer or a mediator, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement and no application for a declaration that the trade union

that

that was a party to the collective agreement no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceased to operate or the date when the Minister appointed a conciliation officer or a mediator, whichever is later, unless, following the appointment of a conciliation officer or a mediator, if no collective agreement has been made,

- (a) at least twelve months have elapsed from the date of the appointment of the conciliation officer or a mediator; or
- (b) a conciliation board or a mediator has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties; or
- (c) thirty days have elapsed after the Minister has informed the parties that he does not deem it desirable to appoint a conciliation board,

whichever is later.

R.S.O. 1960,
c. 202, s. 54,
subs. 2,
amended

7. Subsection 2 of section 54 of *The Labour Relations Act* is amended by striking out "conciliation services have been granted" in the sixth and seventh lines and inserting in lieu thereof "the Minister has appointed a conciliation officer or a mediator", so that the subsection shall read as follows:

no agree-
ment

- (2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 11 or has given notice under section 40, on behalf of the employee to his employer, or, in the case of a notice under section 40, has received such notice, and the Minister has appointed a conciliation officer or a mediator and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

R.S.O. 1960,
c. 202, s. 59,
subs. 1, cl. a,
amended

8. Clause *a* of subsection 1 of section 59 of *The Labour Relations Act* is amended by striking out "conciliation services have been granted" in the first line and inserting in lieu thereof "the Minister has appointed a conciliation officer or a mediator", so that the clause shall read as follows:

(a)

- (a) until the Minister has appointed a conciliation officer or a mediator and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

.

9. Subsection 9a of section 75 of *The Labour Relations Act*, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by inserting after "proceedings" in the third line "before the Board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 202, s. 75,
subs. 9a
(1961-62,
c. 68, s. 10,
subs. 3),
amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 96 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application.

Rules
applicable
to con-
struction
industry

10. *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 202,
amended

- 79a. Where a request is made under section 13 or subsection 4 of section 34, the Minister may refer to the Board any question that arises that in his opinion relates to his authority to make an appointment under any such provision that is mentioned in the reference, and the Board shall report to the Minister its decision on the question.

Reference of
questions

11. Subsection 2 of section 83 of *The Labour Relations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 202, s. 83,
subs. 2,
re-enacted

- (2) No information or material furnished to or received by a conciliation officer or a mediator,
- (a) under this Act; or
- (b) in the course of any endeavour that a conciliation officer may make under the direction of the Minister to effect a collective agreement after the Minister,

Non-
disclosure

- (i) has released the report of a conciliation board or a mediator, or
- (ii) has informed the parties that he does not deem it advisable to appoint a conciliation board,

shall be disclosed except to the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour.

Idem

- (2a) No report of a conciliation officer shall be disclosed except to the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour.

Competency
as witness

- (2b) The Minister, the Deputy Minister of Labour, the chief conciliation officer of the Department of Labour or any conciliation officer or mediator appointed under this Act or any person designated by the Minister to endeavour to effect a collective agreement is not a competent or compellable witness in proceedings before a court or other tribunal respecting any information, material or report mentioned in subsection 2 or 2a, or respecting any information or material furnished to or received by him, or any statement made to or by him in an endeavour to effect a collective agreement.

Idem

- (2c) The chairman or any other member of a conciliation board is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him; or
- (c) any statement made by him,

in the course of his duties under this Act.

R.S.O. 1960,
c. 202, s. 93
(1961-62,
c. 68, s. 16),
subs. 2,
re-enacted;
subs. 3,
repealed

12. Subsections 2 and 3 of section 93 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Extension
of 14-day
period for
conciliation
officer's
report

- (2) Where the Minister appoints a conciliation officer or a mediator at the request of a trade union, council of trade unions or an employer or employers' organ-

ization

ization to confer with the parties and endeavour to effect a collective agreement binding upon employees of the employer or upon employees of members of the employers' organization, the period mentioned in subsection 1 of section 15 may be extended only by agreement of the parties.

13. Subsection 1 of section 94 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 202, s. 94
(1961-62,
c. 68, s. 16),
subs. 1,
repealed

14. Section 95 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, is amended by adding at the end thereof "and any such notice has for all purposes the same effect as a notice under section 40", so that the section shall read as follows:

R.S.O. 1960,
c. 202, s. 95
(1961-62,
c. 68, s. 16),
amended

95. Each party to a collective agreement between an employer or employers' organization and a trade union or council of trade unions may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement, and any such notice has for all purposes the same effect as a notice under section 40.

Notice of
desire to
bargain
for new
collective
agreement

15. All proceedings instituted before the day on which this Act came into force shall be continued as if this Act had not been passed.

Pending
proceedings

16.—(1) This Act, except sections 11, 16 and 17, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

(2) Sections 11, 16 and 17 come into force on the day on which this Act receives Royal Assent.

Idem

17. This Act may be cited as *The Labour Relations Amendment Act, 1964*.

Short title

CHAPTER 54

An Act to amend The Law Society Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 3, 4, 5 and 6 of section 5 of *The Law Society Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 207, s. 5, re-enacted; para. 3, 4, re-enacted; para. 5, 6, repealed

3. Every person who has held the office of treasurer of the Society.

4. Every person who has been elected a benchner at three quinquennial elections and has served as a benchner for fifteen years.

(2) Notwithstanding subsection 1, every person who, at the date of the coming into force of this Act, is an *ex officio* benchner shall continue as such, subject to the provisions of *The Law Society Act*. Certain ex officio benchners to continue as such

2. Subsection 2 of section 29 of *The Law Society Act* is repealed. R.S.O. 1960, c. 207, s. 29, sub. 2, repealed

3. Section 53 of *The Law Society Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 207, s. 53, amended

(12) The benchers may pay out of The Compensation Fund the costs of its administration, including the costs of investigations and hearings and all other costs, salaries and expenses necessarily incidental to the administration of the Fund. Costs of administration

4. Section 54 of *The Law Society Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 207, s. 54, amended

(5) Notwithstanding subsection 3, the benchers may enter into agreements for printing and publishing reports Agreements for printing, publishing reports

the

the reports in whole or in part with such person or persons on such terms or conditions as the benchers from time to time determine.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Law Society Amendment Act, 1964*.

CHAPTER 55

An Act to amend The Legislative Assembly Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 60, subs. 4, re-enacted

(4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity, not exceeding \$300 per month, and any part of his allowance for expenses, not exceeding \$150 per month. advances

2. This Act shall be deemed to have come into force on the 1st day of April, 1964. Commencement

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1964*. Short title

CHAPTER 56

An Act to provide for the Establishment of Local Roads Boards in Territory without Municipal Organization

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a board of a local roads area;
- (b) "land" includes land covered with water;
- (c) "local roads area" means a local roads area established under this Act;
- (d) "Minister" means the Minister of Highways;
- (e) "owner" includes a tenant of land under a lease in writing and any person owning or enjoying an interest in land;
- (f) "prescribed" means prescribed by the regulations made under this Act;
- (g) "register" means the Local Roads Tax Register;
- (h) "secretary-treasurer" means a secretary-treasurer appointed by a board under this Act.

2. This Act applies only in territory without municipal organization. Application

3. Any matter to be determined by a vote at any meeting Votes held under the authority of this Act shall be determined by a majority of the owners voting on the matter, and the owners shall decide how the voting shall be conducted.

4.—(1) Every owner of land in a local roads area of the full Qualification
of voters age of twenty-one years, including the chairman of the meeting, is entitled to vote on any matter to be decided by a vote.

Idem

(2) If an objection is made to the right of any person to vote at a meeting, the chairman shall require the person to identify the land in respect of which he claims the right to vote and to take an oath or affirmation that he is of the full age of twenty-one years and the owner of such land.

Qualification
of trustees

5. No person shall be elected or appointed a trustee of a board unless he is,

(a) of the full age of twenty-one years;

(b) a Canadian citizen; and

(c) an owner of land in the local roads area or proposed local roads area, as the case may be, in respect of which no taxes of a preceding year or years payable under this Act are in arrears.

Declaration
of office

6. Every person elected or appointed to a board or appointed secretary-treasurer of a board shall, before entering upon his duties, take a declaration of office in the prescribed form.

Meeting for
establish-
ment of area
and board

7.—(1) Ten or more owners of land in a proposed local roads area may, in writing, appoint one of their number to call a meeting of all owners of land in such area to consider the establishment of a local roads area.

Notice of
meeting

(2) The owner so appointed shall call a meeting within ten days of his appointment by posting up in at least six conspicuous places and at each post office and school house in the proposed local roads area a notice setting forth a description or illustration of the roads to be included in and the boundaries of the proposed local roads area, the place, date, time and purpose of the meeting, the date of the posting of the notice and his name and address.

Date of
meeting

(3) The date of the meeting shall be at least ten days after the date of the posting up of the last notice.

Idem

(4) The meeting shall take place at the time and place set forth in the notice, and the owner appointed under subsection 1 shall preside at the meeting as chairman, but, if he is absent or declines to act, the owners of land in the proposed local roads area who are present at the meeting shall elect another of their number to act as chairman.

Secretary

(5) The owners of land in the proposed local roads area who are present at the meeting shall elect a secretary to record the proceedings.

(6) The owners of land in the proposed local roads area who are present at the meeting shall by vote determine the boundaries of the proposed local roads area, which area may be smaller but not larger than the area originally proposed, and the local roads to be included therein. Area and roads determined by vote

(7) Where a majority of the owners of land in the proposed local roads area vote in favour of the establishment of a local roads area, Election of trustees, petition to Minister

(a) the owners of land in such area shall elect three of their number to be trustees of the board; and

(b) the secretary shall forward to the Minister a petition in the prescribed form requesting that the proposed local roads area approved by the vote of the owners under subsection 6 be established as a local roads area and that the local roads approved by such vote be included therein.

8.—(1) Upon receipt of a petition, the Minister, if he deems it in the public interest so to do for the purposes of this Act, may, by order in writing, establish the proposed local roads area, or any smaller or larger area as he deems appropriate, as a local roads area, and he may designate the local roads to be included therein. Minister's order

(2) Upon the establishment of a local roads area, the trustees elected under subsection 7 of section 7 form the board for the year in which they were elected and until successors elected in their stead have taken office. Trustees form board

9.—(1) Every board shall meet within twenty-one days of the receipt of the order of the Minister establishing the local roads area. First meeting

(2) Every board shall at its first meeting elect one of their number to be chairman of the board. Chairman

10.—(1) The board shall annually, and may as often as it deems necessary, inspect the local roads in the local roads area. Duties of board, inspection

(2) The board may, within the limit of the money available to pay for such work and subject to the approval of the Minister, determine the work to be performed on local roads in the local roads area. roadwork

(3) If for any reason a trustee is unable or unwilling to act, the remaining two trustees may appoint an owner of land in the Trustee failing to act

local roads area to serve for the remainder of the term of such trustee, and, where he is the chairman of the board, a new chairman shall be elected by the trustees.

Secretary-treasurer

(4) Every board shall appoint a secretary-treasurer who may be a member of the board other than the chairman and, subject to such direction as the Minister may give, shall pay the secretary-treasurer such salary as the board determines.

Security to be furnished by secretary-treasurer

(5) Before entering on the duties of his office, the secretary-treasurer shall give annually such security as the board directs for the faithful performance of such duties and for duly accounting for all moneys that come into his hands.

Nature of security

R.S.O. 1960, c. 168

(6) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*, and shall be in such form and on such terms as the Minister may approve.

Duties

(7) In addition to the other duties prescribed by this Act, a secretary-treasurer shall attend all meetings of the board, keep minutes of such meetings, carry on correspondence as directed by the board, receive and safely keep all moneys paid to the board and maintain books of account and other records as may be required by the Minister or the board.

Annual meeting

11.—(1) Before the 1st day of November in each year, the board shall call an annual meeting of the owners of land in the local roads area for the election of the successors of the members of the board and for the conduct of other business, including the presentation of a statement of the receipts and disbursements of the board and the auditor's report, if one has been made.

Idem

(2) The secretary-treasurer shall send notice of the time, date and place of the annual meeting to every owner of land in the local roads area and to the Minister not less than fourteen days before the meeting.

Trustees, term of office

12. The trustees elected at an annual meeting shall assume office on the 1st day of January in the year next following the year in which they were elected.

Chairman

13. The chairman of the board shall act as chairman of the annual meeting.

Annual meeting, on call of secretary-treasurer

14.—(1) If in any year the board fails to call an annual meeting before the 1st day of November, the secretary-treasurer shall forthwith call such a meeting and shall give

notice

notice thereof as provided in subsection 2 of section 11, and shall act as chairman of the meeting notwithstanding that the chairman of the board attends the meeting.

(2) If in any year both the board and the secretary-treasurer fail to call an annual meeting, any ten owners of land in the local roads area may call a meeting as provided in section 7 and may appoint one of their number to act as chairman at the meeting, and such owner shall act as chairman notwithstanding that the chairman of the board attends the meeting.

(3) Any expense incurred by an owner in calling or providing for a meeting under subsection 2 shall be deemed to be a debt due and owing to him by the trustees and the secretary-treasurer, who are jointly and severally liable for the debt, and he may bring an action for the recovery of such debt in any court of competent jurisdiction.

15. Upon receipt of notice of an annual meeting, the Minister shall cause to be prepared a statement of the moneys credited to the account of the board during the period since the last such statement and of the expenditures charged against the account for the same period, and shall send such statement to the secretary-treasurer at least three days before the date of the annual meeting.

16.—(1) Where it is proposed that,

(a) the boundaries of a local roads area be altered;

(b) any local road be added to or removed from a local roads area; or

(c) any local road included in a local roads area be extended,

the proposal shall be put to a vote at an annual meeting, and the notice of such annual meeting shall outline the proposal.

(2) Where it is proposed that a local roads area be enlarged, in addition to the notice required under subsection 1, the secretary-treasurer shall post within the new area that is proposed to be added to the existing local roads area notices of the proposal, setting forth a description or illustration of the boundaries of the new area and the place, date and time of the annual meeting, and all owners of land in the new area may attend the annual meeting and vote upon the proposal.

Record
of vote

(3) Where it is proposed that the boundaries of a local roads area be altered, the secretary-treasurer shall record separately the vote of the owners of land within the area that is proposed to be added to or to be removed from the local roads area.

Notification
to
Minister

(4) Where a majority of the owners present at the meeting vote in favour of a proposal made under subsection 1, the secretary-treasurer shall forward to the Minister a copy of the proposal as approved at the meeting, together with a statement of the results of the vote showing the vote of the owners for and against the proposal, and, in the case of a proposal made under clause *a* of subsection 1, the vote of the owners of land in the area that is proposed to be added to or to be removed from an existing area for and against the proposal, and the Minister, if he deems it in the public interest so to do, may by order in writing alter the boundaries of the local roads area or the roads included therein in accordance with the proposal approved at the meeting, or in such other manner as he deems appropriate.

Vote on
dissolution

17.—(1) Where it is proposed that a board and a local roads area be dissolved, the proposal shall be put to a vote at an annual meeting, and the notice of such annual meeting shall outline the proposal.

Notification
to Minister

(2) Where the majority of owners present at an annual meeting approve a proposal that the board and its local roads area be dissolved, the secretary-treasurer shall forthwith forward to the Minister a copy of the proposal, together with a statement of the vote for and against the proposal, and the Minister, if he deems it in the public interest so to do, may by order in writing dissolve the board and the local roads area.

Dissolution
by Minister

(3) Where a board and its secretary-treasurer fail to call an annual meeting as herein provided and no meeting is called under subsection 2 of section 15, the Minister may by order in writing dissolve the board and the local roads area.

Surplus
funds

(4) Where moneys remain in the account maintained by the Minister to the credit of a board that has been dissolved, the Minister may order the moneys forfeited to the Treasurer of Ontario or he may expend them on the local roads in the former local roads area.

Liability
for damages

18. No action shall be brought against the Crown, a board or any trustee elected or appointed under this Act for damage caused by any default in the maintenance of a local road in a local roads area, and neither the Crown nor a board nor any such trustee is liable for any damage sustained by any person using such local road.

19. All land, except an interest in land of the Crown in right of Canada or any province of Canada, in a local roads area is liable to assessment and taxation under this Act. Land assessable and taxable

20.—(1) Where all of the land in a local roads area that is taxable under this Act is assessed under *The Provincial Land Tax Act, 1961-62*, such assessment shall be the assessment for such land for the purposes of this Act. Where land assessed under 1961-62, c. 111

(2) Notwithstanding subsection 1, where the assessment of land in a local roads area is retroactively increased or decreased under *The Provincial Land Tax Act, 1961-62*, the tax paid or to be paid by the owner of such land under this Act shall be adjusted accordingly. Revision of assessment

(3) Where all of the land in a local roads area that is taxable under this Act is not assessed under *The Provincial Land Tax Act, 1961-62* but such land is located in one school section and is assessed under *The Public Schools Act*, the assessment under *The Public Schools Act* shall be the assessment for such land for the purposes of this Act. Where land assessed under R.S.O. 1960, c. 330

(4) Where any of the land in a local roads area that is taxable under this Act is not assessed under *The Provincial Land Tax Act, 1961-62* or in one school section under *The Public Schools Act*, all of the land in the local roads area shall be assessed for taxation purposes under this Act at the following rates: Other cases

1. For each dwelling, \$1,000.
2. For each building other than a dwelling, such rate of assessment as may be prescribed.
3. For forested land, \$4 an acre.
4. For cleared land, \$6 an acre.
5. For all other land, \$2 an acre.

(5) For the purposes of subsection 4,

Interpretation

- (a) "acre" includes a part of an acre; and
- (b) "dwelling" may include two or more buildings used as a single-dwelling unit.

21.—(1) Every board shall levy annually on the whole of the assessment for land in the local roads area a sum equal to the sum estimated by the board to be required for the purposes of the board during the year. Annual levy

Idem

(2) In preparing its estimates, every board shall make due allowance for any surplus of any previous year that will be available in the current year and for any uncollectable taxes and for any moneys to be credited to the board under sections 31 and 32 in the current year.

Minimum
tax

22. The minimum annual tax imposed under this Act in respect of the land of any owner is \$10.

Annual
tax

23. The tax levied under this Act in any year becomes due and is payable to the board on the 1st day of June in that year.

Tax bill

24.—(1) A tax bill shall be sent by the secretary-treasurer to every owner of land in the local roads area on or before the 1st day of June in the year in which the tax is payable.

Idem

(2) The tax bill shall show the assessed value of the land, the tax rate, the amount of tax payable and such other matters as are prescribed.

Local
Roads Tax
Register

25.—(1) The secretary-treasurer shall keep a register, to be known as the Local Roads Tax Register, in which he shall set down the name and address in full of every person in the local roads area assessed and taxed under this Act, a brief description of the land in respect of which such person is taxed, the amount of its assessment and taxation in each year, the amount of taxes paid from time to time, and the balance of unpaid taxes, if any.

Idem

(2) The address of an owner in the register, where the owner has given the secretary-treasurer notice in writing of his address, shall be the address in such notice, and, where the owner has not given the secretary-treasurer such a notice, shall be the address for the owner shown in the proper land titles or registry office, as the case may be, for that owner or for the last registered owner of the land.

Penalty on
unpaid tax

26.—(1) Where any tax under this Act remains unpaid on the 1st day of August in the year in which it is payable, a penalty of 10 per cent shall be added thereto.

Idem

(2) Where any tax or penalty remains unpaid on the 1st day of August in the year next following the year in which it is payable, a penalty of 10 per cent shall be added thereto, and, where the whole or any part of such tax or penalties remains unpaid on the 1st day of August in any subsequent year, a further penalty of 10 per cent of the taxes and penalties remaining unpaid shall be added thereto.

Idem

(3) Any penalty imposed under this section shall be deemed to be tax due and payable under this Act.

27.—(1) The taxes and penalties due upon any land with costs may be recovered as a debt due to the board from the owner originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and are a special lien on the land in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the board or of any person appointed or assigned to any work in the course of the administration of this Act, or by want of registration. ^{Who liable for taxes} ^{Taxes to be a lien upon lands}

(2) The secretary-treasurer, with the approval of the board, may bring an action on behalf of and in the name of the board for the recovery of taxes and penalties due upon any lands in any court of competent jurisdiction. ^{Action for recovery of taxes and penalties}

(3) Any liability incurred by or on behalf of the board in respect of an action brought by the secretary-treasurer under subsection 2 is a charge against the assets of the board, and no personal liability shall be incurred in respect thereof by the secretary-treasurer or any trustee elected or appointed under this Act. ^{Liability in respect of action}

28. A tax bill or a notice required to be sent under this Act shall be sent by prepaid first-class mail to the address of the owner or his agent as shown on the register. ^{Delivery of tax bills}

29.—(1) Where land is owned by two or more persons, either jointly or otherwise, a secretary-treasurer may send notices and tax bills issued under this Act to such part-owner as is designated by the other part-owners, and, where the part-owners fail to designate a part-owner for this purpose or where they fail to agree on which part-owner should be designated, a secretary-treasurer may select a part-owner to whom such notices and tax bills may be sent. ^{Billing joint owners, etc.}

(2) Where a secretary-treasurer designates the part-owner to whom such notices and tax bills may be sent, he shall notify the other part-owners of his designation. ^{Idem}

(3) Notices and tax bills sent to a part-owner designated under subsection 1 shall be deemed to have been sent to the other part-owners. ^{Idem}

30. The secretary-treasurer shall remit to the Minister an amount equal to the amount of the tax moneys received by him from the owners of land within the local roads area less the amount required to defray the incidental expenses and administrative costs of himself and of the board. ^{Remission of tax to Minister}

Credits

31.—(1) The moneys received by the Minister from a board shall be paid into the Consolidated Revenue Fund and credited to that board, and the Minister shall cause to be credited to that board an amount equal to twice the amount of the moneys so received.

Idem

(2) For the purpose of determining the amount to be credited to a board under subsection 1, the moneys paid by a board to its secretary-treasurer under subsection 4 of section 10 shall be deemed to have been received by the Minister.

Credits re
unoccupied
Crown land

32. In addition to the amounts credited to a board by the Minister under section 31, the Minister may annually credit to a board, in respect of unoccupied Crown land in the local roads area, an amount that the rate levied on lands in the local roads area would produce based on the value of such Crown land, determined at the rate of \$3 for each foot of frontage of such Crown land on a local road included in a local roads area, but such amount shall not exceed twice the amount remitted to the Minister under section 30.

Expenditure
of moneys

33.—(1) The Minister shall cause the moneys credited to each board to be spent on the local roads area in carrying out work determined by the board and approved by him under section 10, or in acquiring right-of-way for roads.

Powers

R.S.O. 1960,
c. 171

(2) For any of the purposes of this Act, the Minister may exercise any of his powers under Part I of *The Highway Improvement Act*, including the power to expropriate land.

Audit

34.—(1) A board may engage a licensed public accountant to audit its accounts and transactions, including the account maintained by the Minister, and to make a report to it, and the accountant's fee shall be paid by the Minister out of the moneys held by him to the credit of the board.

Idem

(2) The Minister may at any time cause the accounts and transactions of a board to be audited.

Notice of
forfeiture

35.—(1) Where any part of the tax imposed under this Act remains unpaid for a period of two years or more, the board may cause to be filed in the proper land titles or registry office a caution in the prescribed form, and thereupon the secretary-treasurer shall send by registered mail a notice to the owner and to every person appearing from search or inquiry at the proper land titles, registry or sheriff's office to be the owner of the land in respect of which the default has been made, and to every person appearing from such search or inquiry to have an interest therein, stating that, unless the total amount of tax and penalties due and payable

under

under this Act and the prescribed costs are paid within twelve months of the mailing of the notice, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown.

(2) Where no letters patent from the Crown have issued ^{Idem} granting land in respect of which the tax imposed under this Act remains unpaid for a period of two years or more, the secretary-treasurer shall send by registered mail the notice mentioned in subsection 1 to the person entered in the register as the owner of the land, and the sending of such notice shall be deemed to be in compliance with subsection 1.

(3) Where any part of the tax, penalties and costs remains unpaid twelve months after the mailing of the notice under subsection 1 or 2, the secretary-treasurer shall so certify to the Minister of Lands and Forests, and upon receipt of such certificate the Minister of Lands and Forests by a certificate may declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon, subject to subsection 4, the land and every interest therein vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

(4) Where a dominant tenement is forfeited, any easement ^{Easements} appurtenant thereto passes to the Crown, and, where a servient tenement is forfeited, the forfeiture does not affect any easement to which the servient tenement is subject.

(5) Upon receipt of a certificate of forfeiture, the proper master of titles or registrar of deeds shall register it, and it is conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and it is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

(6) Upon registration of a certificate of forfeiture in the proper land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

36. Where land has been forfeited to the Crown in error under this Act, the Minister of Lands and Forests, by a certificate under his hand, may annul the forfeiture in so far as it has reference to land forfeited to the Crown in error, and thereupon such land reverts to the owner of the land at the

time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge, as if the forfeiture had never occurred.

Expenses

37. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature.

Regulations

38. The Lieutenant Governor in Council may make regulations,

- (a) prescribing forms and providing for their use;
- (b) prescribing matters, other than those specified in subsection 2 of section 24, that shall be shown on tax bills;
- (c) prescribing the rate of assessment for buildings, other than dwellings, for the purposes of subsection 4 of section 20;
- (d) prescribing the costs to be paid under subsection 1 of section 35; and
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Transitional
R.S.O. 1960,
c. 382

39. Where a board is established under this Act, *The Statute Labour Act* shall, on the 1st day of January next following the date of the establishment of the board, cease to apply to the local roads area administered by that board, and, where the local roads area includes all of an area administered by road commissioners elected under *The Statute Labour Act*, the road commissioners shall transfer to the board any assets held by them in their capacity as road commissioners, and, where the local roads area includes part of an area administered by road commissioners elected under *The Statute Labour Act*, the road commissioners may transfer to the board any assets held by them in their capacity as road commissioners in respect of such part.

Commence-
ment

40. This Act comes into force on the day it receives Royal Assent.

Short title

41. This Act may be cited as *The Local Roads Boards Act, 1964*.

CHAPTER 57

An Act to amend The Magistrates Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Magistrates Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 226, s. 1,
cl. *b*,
re-enacted

(*b*) “magistrate” includes the chief magistrate and a deputy magistrate.

2. Subsection 1 of section 2 of *The Magistrates Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 226, s. 2,
subs. 1,
re-enacted

(1) The Lieutenant Governor in Council may appoint a chief magistrate and such magistrates and deputy magistrates as he considers necessary.

Appointment

3. Subsection 2 of section 19 of *The Magistrates Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 226, s. 19,
subs. 2,
re-enacted

(2) The chief magistrate shall be the senior magistrate for The Municipality of Metropolitan Toronto.

Senior
magistrate,
Toronto

4. *The Magistrates Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 226,
amended

19a.—(1) The Attorney General may designate another magistrate to act in the place of the chief magistrate for all purposes during his illness or absence.

Deputy

(2) The chief magistrate shall have general supervisory powers over arranging the sittings of magistrates and assigning magistrates for hearings, as circumstances require.

Supervision
of dispatch
of business

(3) In the arrangement of the magistrates courts and the assignment of magistrates thereto, regard shall be had to,

Assignment
of
magistrates

(*a*)

- (a) the desirability of rotating the magistrates within each county or territorial district;
- (b) the greater volume of judicial work in certain of the counties and districts.

R.S.O. 1960,
c. 226, s. 20,
subs. 1, cl. f,
re-enacted

5. Clause *f* of subsection 1 of section 20 of *The Magistrates Act* is repealed and the following substituted therefor:

(f) prescribing the duties of the chief magistrate.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Magistrates Amendment Act, 1964*.

CHAPTER 58

An Act to amend The Marriage Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 12 of *The Marriage Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 228, s. 12,
subs. 1, cl. *a*,
re-enacted

(a) the final decree or judgment dissolving or annulling the marriage or a copy of the final decree, judgment or Act dissolving or annulling the marriage, certified by the proper officer; and

.
2. Item 6 of subsection 2 of section 36 of *The Marriage Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 228, s. 36
subs. 2,
item 6,
re-enacted

6. The decree or judgment dissolving or annulling a marriage or a copy of the decree, judgment or Act dissolving or annulling a marriage, and any other material under section 12.
3. This Act comes into force on the 1st day of July, 1964.

Commence-
ment
4. This Act may be cited as *The Marriage Amendment Act, 1964*.

Short title

CHAPTER 59

**An Act to amend
The Maternity Boarding Houses Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Maternity Boarding Houses Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 231, s. 3, amended

(3) Subsection 2 does not apply to children who are wards of a children's aid society. Exception

2. Section 10 of *The Maternity Boarding Houses Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 231, s. 10, re-enacted

10. The person registered shall immediately after the death of any inmate of the house, whether a woman or a girl or an infant born therein or brought thereto as a boarder, cause notice of the death to be given to the coroner and the medical officer of health. Notice of death

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Maternity Boarding Houses Amendment Act, 1964*. Short title

CHAPTER 60

An Act to amend The Mental Incompetency Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Mental Incompetency Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 237, s. 1,
cl. *c*,
re-enacted

(*c*) "court" means the county or district court of a county or district.

2. *The Mental Incompetency Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 237,
amended

1*a*.—(1) Except where otherwise provided, proceedings under this Act shall be brought in the county or district court of the county or district in which the person against whom the proceedings are to be brought has his fixed place of abode. Jurisdiction,
county and
district
courts

(2) Where the person against whom proceedings under this Act are to be brought has no fixed place of abode in Ontario, the proceedings shall, except where otherwise provided, be brought in the county or district court of any county or district in which such person has property. Idem

1*b*.—(1) The respondent in proceedings under this Act may, upon such notice and otherwise as the rules of court prescribe, require the proceedings to be removed into the Supreme Court. Removal of
proceedings
into
Supreme
Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the proper office of the Supreme Court in the county or district in which the proceedings were brought. Trans-
mission
of papers

Removal of
proceedings

- (3) When the papers are received at the proper office of the Supreme Court, the proceedings are *ipso facto* in the Supreme Court and shall be proceeded with and disposed of as though *The Mental Incompetency Amendment Act, 1964* had not been passed.

1964, c. 60

R.S.O. 1960,
c. 237, s. 4,
re-enacted

- 3.** Section 4 of *The Mental Incompetency Act* is repealed and the following substituted therefor:

Delegation
of powers,
S.C.O.

4. Where proceedings under this Act are in the Supreme Court, it may delegate to a master, official referee or other officer any or all of its powers under this Act except the making of a declaration of mental incompetency, the confirmation of the appointment of a committee or the confirmation of a scheme of management.

R.S.O. 1960,
c. 237, s. 7,
amended

- 4.** Section 7 of *The Mental Incompetency Act* is amended by striking out "Registrar of the Supreme Court, Toronto" in the fourth and fifth lines and inserting in lieu thereof "clerk of the county or district court in which the proceedings have been brought", so that the section shall read as follows:

Trial by
jury

7. An alleged mentally incompetent person is entitled to demand, by notice in writing to be given to the person applying for the declaration of his mental incompetency and also to be filed in the office of the clerk of the county or district court in which the proceedings have been brought at least ten days before the first day of the sittings at which the issue is directed to be tried, that any issue directed to determine the question of his mental incompetency shall be tried with a jury, and, unless he withdraws the demand before the trial, or the court is satisfied by personal examination of the mentally incompetent person that he is not mentally competent to form and express a wish for a trial by jury and so declares by order, the issue shall be tried by a jury.

R.S.O. 1960,
c. 237,
amended

- 5.** *The Mental Incompetency Act* is amended by adding thereto the following section:

Supple-
mental
powers of
court

- 9a.—(1) Where an order has been made declaring a person a mentally incompetent person under section 5 or incapable of managing his affairs under section 36, the court, in the same or a subsequent order, shall,

- (a) appoint a committee of the person or of the estate of the person, or both;

(b)

- (b) propound a scheme for the management of the estate of the person; and
- (c) fix a time for the passing of the accounts of the committee,

but no order, in so far as it appoints a permanent committee or propounds a scheme of management, is effective until confirmed by the Supreme Court in the manner prescribed by the rules of court.

- (2) The appointment of the committee and the scheme of management shall be filed in the office of the local registrar of the Supreme Court and shall be forthwith transmitted by him to the Registrar of the Supreme Court for confirmation as required by subsection 1. Order to be filed in S.C.O.
- (3) The court may appoint a committee to act with such powers as it may confer upon him until a scheme of management is propounded and a permanent committee appointed, and any such appointment need not be confirmed. Interim committee

6.—(1) Clause *a* of section 10 of *The Mental Incompetency Act* is amended by striking out “master to whom the matter is referred, or of such officer as is appointed for that purpose” in the second, third and fourth lines and inserting in lieu thereof “clerk of the court in which the appointment was made”, so that the clause shall read as follows: R.S.O. 1960, c. 237, s. 10, cl. a, amended

- (a) the committee shall, within six months after being appointed, file in the office of the clerk of the court in which the appointment was made a true inventory of the whole real and personal estate of the mentally incompetent person, stating the income and profits thereof, and setting forth the debts, credits, and effects of the mentally incompetent person, so far as they have come to the knowledge of the committee. inventory of present property

(2) Clause *d* of the said section 10 is amended by striking out “Accountant of the Supreme Court” in the fourth and fifth lines and inserting in lieu thereof “clerk of the court”, so that the clause shall read as follows: R.S.O. 1960, c. 237, s. 10, cl. d, amended

- (d) the committee shall give security for the due performance of his duties in such amount as the court directs, which security shall be in the form of a bond in the name of the clerk of the court and shall be filed in his office; and

R.S.O. 1960,
c. 237, s. 15,
cl. m,
amended

7. Clause *m* of section 15 of *The Mental Incompetency Act* is amended by striking out "mentioned in section 26 of" in the third line and inserting in lieu thereof "in which a trustee may invest trust money under", so that the clause shall read as follows:

(*m*) invest or re-invest any money in his hands belonging to the mentally incompetent person in the classes of securities in which a trustee may invest trust money under *The Trustee Act*.

R.S.O. 1960,
c. 408

R.S.O. 1960,
c. 237, s. 20,
amended

8. Section 20 of *The Mental Incompetency Act* is amended by striking out "court" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Powers
vested in
mentally
incompetent
person as
trustee or
guardian

20. Where a power is vested in a mentally incompetent person in the character of trustee or guardian, or the consent of a mentally incompetent person to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Supreme Court to be expedient that the power should be exercised or the consent given, the committee of the estate, in the name and on behalf of the mentally incompetent person, under an order of the Supreme Court made upon the application of any person interested, may exercise the power or give the consent in such manner as the order directs.

R.S.O. 1960,
c. 237, s. 21,
amended

9. Section 21 of *The Mental Incompetency Act* is amended by striking out "court" in the first line and in the fourth line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Appoint-
ment of
trustees by
S.C.O.

21. Where the Supreme Court exercises, in the name and on behalf of a mentally incompetent person, a power of appointing new trustees vested in the mentally incompetent person, the Supreme Court, where it seems to be for the mentally incompetent person's benefit and also expedient, may make any order respecting the property subject to the trust that might have been made in the same case under *The Trustee Act* on the appointment thereunder of a new trustee or new trustees.

R.S.O. 1960,
c. 408

R.S.O. 1960,
c. 237, s. 23,
amended

10. Section 23 of *The Mental Incompetency Act* is amended by striking out "court" where it occurs the first and second times in the eleventh line and inserting in lieu thereof in each

instance

instance "Supreme Court" and by striking out "the court" in the fifteenth line and inserting in lieu thereof "it", so that the section shall read as follows:

23. Where any stock is standing in the name of or is vested in a mentally incompetent person beneficially entitled thereto, or is standing in the name of or vested in the committee of the estate of a mentally incompetent person so found in trust for the mentally incompetent person or as part of his property, and the committee dies intestate, or himself becomes a mentally incompetent person, or is out of Ontario, or it is uncertain whether the committee is living or dead, or he neglects or refuses to transfer the stock, or to receive or pay over the dividends thereof as directed by an order of the Supreme Court, then the Supreme Court may order some fit person to transfer the stock to or into the name of a new committee, or of the Accountant of the Supreme Court, or otherwise, and also to receive and pay over the dividends in such manner as it directs.
- Power to
transfer
stock

11. Section 24 of *The Mental Incompetency Act* is amended by striking out "court" in the second line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the ninth line and inserting in lieu thereof "it", so that the section shall read as follows:

R.S.O. 1960,
c. 237, s. 24,
amended

24. Where any stock is standing in the name of or vested in a person residing out of Ontario, the Supreme Court, upon proof that he has been declared a mentally incompetent person and that his personal estate has been vested in a person appointed for the management thereof according to the law of the place where he is residing, may order some fit person to make such transfer of the stock or any part thereof to or into the name of the person so appointed, or otherwise, and also to receive and pay over the dividends thereof as it directs.
- Stock in
name of
mentally
incompetent
person out
of juris-
diction

12.—(1) Subsection 1 of section 25 of *The Mental Incompetency Act* is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the fourth and fifth lines and inserting in lieu thereof "it", so that the subsection shall read as follows:

R.S.O. 1960,
c. 237, s. 25,
subs. 1,
amended

- (1) Where a mentally incompetent person is solely or jointly seised or possessed of any land upon trust or
- Power to
vest land
of mentally
incompetent
trustee or
mortgagee

by way of mortgage, the Supreme Court may by order vest the land in such person or persons for such estate and in such manner as it directs.

R.S.O. 1960,
c. 237, s. 25,
subs. 2,
amended

(2) Subsection 2 of the said section 25 is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the fifth line and inserting in lieu thereof "it", so that the subsection shall read as follows:

Or a
contingent
right

(2) Where a mentally incompetent person is solely or jointly entitled to a contingent right in any land upon trust or by way of mortgage, the Supreme Court may by order release the land from the contingent right and dispose of it to such person as it directs.

R.S.O. 1960,
c. 237, s. 26,
subs. 1,
amended

13.—(1) Subsection 1 of section 26 of *The Mental Incompetency Act* is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court", so that the subsection shall read as follows:

Mentally
incompetent
trustee or
mortgagee
of chose
in action

(1) Where a mentally incompetent person is solely entitled to any stock or chose in action upon trust or by way of mortgage, the Supreme Court may by order vest in any person the right to transfer or to call for a transfer of the stock or to receive the dividends thereof, or vest in any person the chose in action, or any interest in respect thereof.

R.S.O. 1960,
c. 237, s. 26,
subs. 2,
amended

(2) Subsection 2 of the said section 26 is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court", so that the subsection shall read as follows:

Jointly
interested

(2) Where a person is jointly entitled with a mentally incompetent person to any stock or chose in action upon trust or by way of mortgage, the Supreme Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof either in such person alone or jointly with any other person.

R.S.O. 1960,
c. 237, s. 26,
subs. 3,
amended

(3) Subsection 3 of the said section 26 is amended by striking out "court" in the fifth line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the eighth line and inserting in lieu thereof "it", so that the subsection shall read as follows:

- (3) Where any stock is standing in the name of a deceased person whose personal representative is a mentally incompetent person or where a chose in action is vested in a mentally incompetent person as the personal representative of a deceased person, the Supreme Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof in any person whom it appoints.

14. Section 33 of *The Mental Incompetency Act* is amended ^{R.S.O. 1960, c. 237, s. 33, amended} by striking out "superior court exercising" in the fifth line and inserting in lieu thereof "court having", so that the section shall read as follows:

33. Where there is money in any court to the credit of a person who has been found or who is alleged to be a mentally incompetent person and the person is resident in Great Britain or Ireland or in any part of Canada other than Ontario, upon production of an order made by a court having jurisdiction where the person is resident authorizing any person to receive such money, the court may make an order for payment of such money to the person designated in the order to receive it.

15. Every proceeding under *The Mental Incompetency Act* that was commenced before this Act came into force shall be continued and disposed of as though this Act had not been passed. ^{Transitional provision R.S.O. 1960, c. 237}

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

17. This Act may be cited as *The Mental Incompetency Amendment Act, 1964*. ^{Short title}

CHAPTER 61

An Act to amend The Milk Industry Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 9 of subsection 1 of section 1 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 9,
re-enacted

9. "dairy" means premises to which fluid milk is regularly brought for the purpose of being processed into fluid milk products.

(2) Paragraph 12 of subsection 1 of the said section 1, as re-enacted by section 1 of *The Milk Industry Amendment Act, 1962-63*, is amended by striking out "to distributors" in the first and second lines, so that the paragraph shall read as follows: R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 12
(1962-63,
c. 82, s. 1),
amended

12. "fluid milk" means milk produced for sale for use in fluid milk products.

2.—(1) Subsection 1 of section 8 of *The Milk Industry Act*, as amended by section 6 of *The Milk Industry Amendment Act, 1960-61* and section 2 of *The Milk Industry Amendment Act, 1962-63*, is further amended by adding thereto the following paragraph: R.S.O. 1960,
c. 239, s. 8,
subs. 1,
amended

7a. prescribing the form of agreements filed with the Board under subsection 2.

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 239, s. 8,
amended

(6) An agreement filed with the Board under subsection 2 shall be in the form prescribed by the regulations, and the Board may refuse to file an agreement that is not in such form. Form of
agreement

R.S.O. 1960,
c. 239, s. 17,
amended

3. Section 17 of *The Milk Industry Act*, as amended by section 9 of *The Milk Industry Amendment Act, 1960-61* and section 1 of *The Milk Industry Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph:

- 2a. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of milk or cream, and providing for the administration and disposition by the Board of any moneys or securities so furnished.

R.S.O. 1960,
c. 239, s. 21,
amended

4.—(1) Section 21 of *The Milk Industry Act* is amended by adding thereto the following paragraph:

- 7a. prescribing the form of agreements filed with the Board under section 25.

R.S.O. 1960,
c. 239, s. 21,
par. 9,
amended

(2) Paragraph 9 of the said section 21 is amended by adding at the end thereof "or by operators of dairies", so that the paragraph shall read as follows:

9. providing for the furnishing of security or proof of financial responsibility by distributors or any class thereof or by operators of dairies.

R.S.O. 1960,
c. 239, s. 21,
par. 10,
amended

(3) Paragraph 10 of the said section 21 is amended by adding at the end thereof "or by operators of dairies", so that the paragraph shall read as follows:

10. providing for the administration and disposition by the Board of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by distributors or by operators of dairies.

R.S.O. 1960,
c. 239, s. 24,
re-enacted

5. Section 24 of *The Milk Industry Act* is repealed and the following substituted therefor:

Arbitration
before
Board

- 24.—(1)** When collective bargaining by the representatives of the producers and distributors has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that agreement cannot be reached in respect of one or more matters of the collective bargaining under section 23, they may, by notice to the representatives of the other party and to the Board, require all matters on which agreement has not been reached to be referred to the Board, and the Board shall arbitrate the same and make an award.

- (2) Where matters on which agreement has not been reached are referred to the Board under subsection 1, the Board may require from the representatives of either party particulars of any matter on which agreement has been reached and may, in its award under subsection 1, for any reason that it deems proper, amend the provisions of the agreement in respect of any such matter on which agreement has been reached. Board may amend provisions of agreement
- (3) When collective bargaining by the representatives of the producers and transporters has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that agreement cannot be reached in respect of one or more matters of the collective bargaining under section 23, they may, by notice to the representatives of the other party and to the Board, require all matters on which agreement has not been reached to be arbitrated by a board of arbitration of three members, of whom one shall be appointed by the representatives of the producers, one shall be appointed by the representatives of the transporters, and one shall be appointed by the two members appointed by the representatives of the producers and the transporters, but, where the two members fail to agree on the third member of the board of arbitration within ten days of their appointment and so notify the Board, the Board shall appoint the third member, and the board of arbitration shall forthwith arbitrate the same and make an award. Arbitration by board of arbitration
- (4) Each of the parties to the arbitration shall assume its own costs of the arbitration. Costs
- (5) *The Arbitrations Act* does not apply to any arbitration under this section. R.S.O. 1960, c. 18, not to apply

6.—(1) Subsection 4 of section 25 of *The Milk Industry Act* is amended by striking out “any of its terms” in the third line and inserting in lieu thereof “the agreement or award”, so that the subsection shall read as follows: R.S.O. 1960, c. 239, s. 25, subs. 4, amended

- (4) The Board may at any time upon the application of any party to an agreement or award provide for the renegotiation of the agreement or award by way of collective bargaining under section 23 and, failing agreement, by arbitration under section 24. Renegotiation

R.S.O. 1960, c. 239, s. 25, amended (2) The said section 25 is amended by adding thereto the following subsection:

Form of agreement (5) An agreement filed with the Board under subsection 1 shall be in the form prescribed by the regulations, and the Board may refuse to file an agreement that is not in such form.

R.S.O. 1960, c. 239, s. 29 (1960-61, c. 56, s. 11), subs 2, re-enacted 7. Subsection 2 of section 29 of *The Milk Industry Act*, as re-enacted by section 11 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Distributor's areas restricted (2) A distributor shall not deliver, sell or distribute fluid milk products in any municipality or part thereof or distribution area that is not shown on his licence.

R.S.O. 1960, c. 239, s. 33, subss. 2, 3, repealed 8. Subsections 2 and 3 of section 33 of *The Milk Industry Act* are repealed.

Commencement 9. This Act comes into force on the day it receives Royal Assent.

Short title 10. This Act may be cited as *The Milk Industry Amendment Act, 1964*.

CHAPTER 62

An Act to amend The Mining Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 241, s. 37,
amended

(f) while proceedings in respect thereto are pending before the Supreme Court, the Commissioner or a recorder.

2.—(1) Sections 42, 43 and 44 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 42,
re-enacted;
ss. 43, 44,
repealed

42.—(1) The Minister, or an officer appointed under this Act and designated by the Minister, may by an order signed by him,

Withdrawal
and re-
opening of
lands, etc.

(a) withdraw from prospecting and staking out and from sale or lease any lands, mining rights or surface rights that are the property of the Crown; and

(b) reopen for prospecting and staking out and for sale or lease any lands, mining rights or surface rights that have been withdrawn under this Act.

(2) Where the Minister or the officer makes an order under subsection 1, he shall within twenty-four hours of the date of the order mail a copy of the order to the recorder of the mining division in which the lands, mining rights or surface rights are situate.

Copy of
order sent
to recorder

(3) Upon receipt of the copy of the order, the recorder shall forthwith post up in his office a notice of the order and file the copy of the order in his office.

Filing copy
of order

(4)

Lands, etc.,
withdrawn
not to be
prospected
or worked

- (4) Lands, mining rights or surface rights withdrawn under this section, until reopened by the Minister or the officer, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except under subsection 5.

Working on
behalf of
Crown

- (5) The Lieutenant Governor in Council may direct that the mines and minerals in lands, mining rights or surface rights, or in any part thereof, withdrawn under this section may be worked by or on behalf of the Crown.

Order not a
regulation
R.S.O. 1960,
c. 349

- (6) An order under subsection 1 shall be deemed not to be a regulation within the meaning of *The Regulations Act*.

Previous
withdrawals
and re-
openings
validated
R.S.O. 1960,
c. 241

- (2) Every withdrawal or reopening of lands, mining rights or surface rights heretofore made under *The Mining Act* by or at the direction of the Minister or the Deputy Minister shall be deemed to be valid, notwithstanding that such withdrawal or reopening would, but for this subsection, be invalid or void.

R.S.O. 1960,
c. 241, s. 47,
repealed

- 3.—**(1) Section 47 of *The Mining Act*, as amended by section 11 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

- (2) Notwithstanding subsection 1, section 47 of *The Mining Act* continues in force in respect of leases made before this Act comes into force.

R.S.O. 1960,
c. 241, s. 52,
subs. 5, 6, 9,
repealed

- 4.—**(1) Subsections 5, 6 and 9 of section 52 of *The Mining Act* are repealed.

R.S.O. 1960,
c. 241, s. 52,
subs. 7, 8
(1962-63,
c. 84, s. 12,
subs. 2),
repealed

- (2) Subsections 7 and 8 of the said section 52, as re-enacted by subsection 2 of section 12 of *The Mining Amendment Act, 1962-63*, are repealed.

R.S.O. 1960,
c. 241, s. 52,
subs. 10
(1962-63,
c. 84, s. 12,
subs. 3),
repealed

- (3) Subsection 10 of the said section 52, as enacted by subsection 3 of section 12 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

- (4) Notwithstanding subsections 1, 2 and 3, subsections 5 to 10 of section 52 of *The Mining Act* continue in force in respect of leases and licences made before this Act comes into force.

Licensee
who may
be issued
lease under
s. 100a

- (5) Where a licence to extract mineral from land under navigable water that was applied for on or before the 1st day of September, 1963, is issued, the Minister may direct that the licensee, upon application in writing therefor and upon the

surrender

surrender of his licence, be issued a lease under section 100*a* of *The Mining Act*, and the rental for each year in the term of the lease shall be that prescribed by the said section 100*a* for years subsequent to the first year of a term under that section.

5. Subsection 6 of section 63 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 63,
subs. 6,
repealed

6. Subsection 1 of section 83 of *The Mining Act* is amended by striking out "forty" in the first line of paragraph 1 and inserting in lieu thereof "twenty" and by striking out "forty" in the first line of paragraph 5 and inserting in lieu thereof "sixty", so that the subsection shall read as follows:

R.S.O. 1960,
c. 241, s. 83,
subs. 1,
amended

(1) The recorded holder of a mining claim shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work consisting of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of 200 days' work, which work shall be performed as follows:

Working
conditions
on mining
claims

1. First period of at least twenty days, not later than one year immediately following the recording of the claim.
2. Second period of at least forty days, not later than two years after date of recording.
3. Third period of at least forty days, not later than three years after date of recording.
4. Fourth period of at least forty days, not later than four years after date of recording.
5. Fifth period of at least sixty days, not later than five years after date of recording.

7.—(1) Subsections 8 and 9 of section 84 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 84,
subs. 8, 9,
re-enacted

(8) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim, subject to,

Surveys

- (a) ground surveys, at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geophysical

survey

survey for each eight hours of his employment, but no credit shall be given for more than twelve hours in any day in respect of any man; and

- (b) airborne geophysical surveys at the rate of forty days' work in respect of each mile of continuous recordings,

but not more than a total of eighty days' work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of the work.

Geological
survey to
count as
work

- (9) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geological survey for each eight hours of his employment, not exceeding a total of forty days' work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of the work.

R.S.O. 1960,
c. 241, s. 84,
subs. 10,
amended

- (2) Subsection 10 of the said section 84 is amended by striking out "Minister" in the sixth line and inserting in lieu thereof "recorder", so that the subsection shall read as follows:

Stripping

- (10) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$10 so spent, not exceeding 100 days' work in respect of each claim, but credit for the work shall be cancelled unless proof of the actual cost is submitted to and accepted by the recorder within thirty days of the recording of the work.

R.S.O. 1960,
c. 241, s. 84,
amended

- (3) The said section 84 is amended by adding thereto the following subsection:

- (14) The Minister may direct that beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development work, not otherwise provided for in this Act, be counted as work at a rate not exceeding one day's work for each \$15 expended,

Beneficiation studies, etc., to count as work

- (a) if the Minister is satisfied with the type of work and the manner of its execution; and
- (b) if full reports, maps and proof of expenditure are filed in duplicate with the Minister.

8. *The Mining Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 241, amended

84a.—(1) The Minister may issue to the holder of a mining claim or mining claims an airborne geophysical certificate for the mining claim or mining claims if,

Airborne geophysical certificate

- (a) the claim or claims lie within the area covered by an airborne geophysical survey that was not previously filed with the Department and that was conducted prior to the staking of the claim or claims;
- (b) the survey covers an area at least four times the area of the claim or claims;
- (c) full reports and plans in duplicate with respect to the whole area covered by the survey are submitted to the Minister, within six months after the recording of the claim or claims, in the same form and in the same manner as though submitted under subsection 8 of section 84; and
- (d) the flight lines are not more than one-quarter mile apart and approximately parallel.

- (2) Notwithstanding subsection 1 of section 83, if the claim holder files an airborne geophysical certificate issued under subsection 1 with the recorder of the mining division in which the claim or claims are situate not later than sixty days after the date of issue of the certificate, the recorder shall so indicate on his records, and the time for performing the first and all subsequent periods of work for the claim or claims listed in the certificate shall fall due one year later than the times prescribed in subsection 1 of section 83.

Extension of time for performance of work

R.S.O. 1960,
c. 241, s. 100,
repealed

9.—(1) Section 100 of *The Mining Act*, as amended by section 27 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

(2) Notwithstanding subsection 1, section 100 of *The Mining Act* continues in force in respect of leases made before this Act comes into force.

R.S.O. 1960,
c. 241,
s. 100*a*
(1962-63,
c. 84, s. 28),
subs. 1,
repealed

10. Subsection 1 of section 100*a* of *The Mining Act*, as enacted by section 28 of *The Mining Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 241, s. 104,
re-enacted

11. Section 104 of *The Mining Act*, as amended by section 31 of *The Mining Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Disposal of
surface
rights

104.—(1) In a patent or lease of a mining claim, the Minister shall reserve all surface rights and other rights excluded by or withdrawn under this Act or that have otherwise been alienated by the Crown.

Idem

R.S.O. 1960,
c. 324

(2) Any surface rights reserved under this section may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Mining Amendment Act, 1964*.

CHAPTER 63

An Act to amend The Mortgage Brokers Registration Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mortgage Brokers Registration Act* <sup>R.S.O. 1960,
c. 244, s. 1,
amended</sup> is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) “Director” means the Director of the Registration and Examination Branch of the Department of the Attorney General.

(2) Clauses *d* and *e* of the said section 1 are repealed and the following substituted therefor:

(d) “Registrar” means the Registrar of Mortgage Brokers.

2. Section 2 of *The Mortgage Brokers Registration Act* <sup>R.S.O. 1960,
c. 244, s. 2,
amended</sup> is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “Director”.

3. Section 4, as amended by section 1 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, and sections 5 and 6 of *The Mortgage Brokers Registration Act* <sup>R.S.O. 1960,
c. 244,
ss. 4-6,
re-enacted</sup> are repealed and the following substituted therefor:

4.—(1) No person shall,

Prohibitions

(a) carry on business as a mortgage broker unless he is registered under this Act; or

(b) carry on business as a mortgage broker otherwise than in his registered name or elsewhere than at or from his address as shown in The Mortgage Brokers Register.

(2)

Representation

- (2) No person shall publish or cause to be published in writing any representation that he is registered under this Act.

Registration

- 5.—(1) The Registrar shall grant registration or renewal of registration to an applicant where the proposed registration is not against the public interest, and the registration may be subject to terms and conditions.

Expiry

- (2) Every registration and renewal of registration expires on the 30th day of June in each year.

Hearings

- (3) The Registrar shall not refuse to grant nor refuse to renew a registration without giving the applicant an opportunity to be heard.

Suspension and cancellation

6. The Registrar may, after giving the registrant an opportunity to be heard, suspend or cancel a registration for the breach of a term or condition upon which the registration was granted or where, in his opinion, to do so is in the public interest.

Advisory board

- 6a.—(1) The Attorney General shall appoint an advisory board consisting of such number of members as he deems appropriate and shall designate one of the members as chairman, and the members, other than the chairman, shall be registered mortgage brokers.

Reference to advisory board

- (2) In determining the granting or refusal of an application for registration or renewal of registration, or the cancellation or suspension of registration, the Registrar may, and shall when so requested in writing by the applicant or registrant, as the case may be, refer the matter to the advisory board, which shall hold a hearing and make a report to the Registrar with such recommendations as it deems advisable.

Quorum and powers

- (3) For the purposes of a hearing under subsection 2, the chairman and one member constitute a quorum, and the advisory board has and may exercise any of the powers that may be exercised under subsection 4 of section 8 by a person making an investigation.

Further application

- 6b. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

- 6c. Where the Registrar refuses to grant a registration ^{Reasons} or renewal of registration, or suspends or cancels a registration, he shall give to the person whose registration or right to registration is affected written reasons for his decision.

6d.—(1) Every applicant for registration shall state in ^{Address for service} the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if delivered or sent by registered mail to the latest address for service so stated.

- (2) Every registrant shall, within five days of the event, ^{Changes in address} notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any change in the officers or members in the case of an association of individuals, partnership or corporation.

4.—(1) Subsection 1 of section 7 of *The Mortgage Brokers Registration Act*, as amended by section 2 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 244, s. 7, subs. 1, re-enacted}

- (1) Where the Registrar receives a complaint in respect ^{Information} of a mortgage transaction and so requests in writing, the mortgage broker shall furnish the Registrar with such information respecting the transaction as the Registrar requires.

(2) Subsection 2 of the said section 7, as enacted by section 1 ^{R.S.O. 1960, c. 244, s. 7, subs. 2 (1960-61, amended)} of *The Mortgage Brokers Registration Amendment Act, 1960-61*, is amended by adding at the commencement thereof "For the purposes of subsection 1", so that the subsection shall read as follows:

- (2) For the purposes of subsection 1, the Registrar may ^{Inspection of books, accounts, etc.} at any time make an inspection of the books, documents and records of any mortgage broker.

5. Section 8 of *The Mortgage Brokers Registration Act*, as ^{R.S.O. 1960, c. 244, s. 8, re-enacted} amended by section 3 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- 8.—(1) Where upon a statement made under oath it ^{Investigations} appears probable to the Director that any person has,

(a)

1953-54,
c. 51 (Can.)

- (a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or
- (b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (c) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make such investigation as the Director deems expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

Investigation by order of Attorney General

- (2) Notwithstanding subsection 1, the Attorney General may by order appoint one or more persons to make an investigation into any matter relating to the business of lending money on the security of real estate or dealing in mortgages or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Attorney General.

Scope of investigation

- (3) For the purposes of any investigation ordered under this section, any person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, advertisements, negotiations, transactions, investigations, loans, borrowing and payments to, by, on behalf of or in relation to or connected with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person.

Power to take sworn evidence and summon witnesses

- (4) For the purposes of any such investigation, any person making the investigation,

(a)

- (a) may administer oaths to witnesses and require them to give evidence under oath; and
 - (b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.
- (5) Any person making any such investigation may seize and take possession of any documents, records, securities or other property belonging to the person whose affairs are being investigated and that relate to the subject-matter of the investigation. Seizure of property
- (6) The Attorney General or the Director may appoint any expert to examine documents, records, properties and matters of the person whose affairs are being investigated. Accountants and other experts, appointment
- (7) Every person appointed under subsection 1 shall report the result of his investigation or examination to the Director. Report to Director
- 8a. Where upon the report of an investigation made under subsection 1 of section 8 it appears to the Director that any person may have, Report to Attorney General
- (a) contravened any of the provisions of this Act or the regulations; or
 - (b) committed an offence under the *Criminal Code* (Canada) that is relevant to his fitness to carry on business as a mortgage broker, 1953-54, c. 51 (Can.)
- the Director shall make a full and complete report of the investigation to the Attorney General, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto.
- 8b. No person, without the consent of the Attorney General, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under section 8 or the name of any witness examined or sought to be examined in such investigation. Information not to be disclosed

R.S.O. 1960,
c. 244, s. 9,
subs. 1,
amended

6.—(1) Subsection 1 of section 9 of *The Mortgage Brokers Registration Act*, as amended by subsection 1 of section 4 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, is further amended by striking out “Registrar” in the amendment of 1962-63 where it occurs the first, second and third times and inserting in lieu thereof in each instance “Director”.

R.S.O. 1960,
c. 244, s. 9,
subs. 1, cl. a,
re-enacted

(2) Clause *a* of subsection 1 of the said section 9 is repealed and the following substituted therefor:

(a) after an investigation has been ordered of any person under section 8; or

.

R.S.O. 1960,
c. 244, s. 9,
amended

(3) The said section 9 is amended by adding thereto the following subsection:

Bond in
lieu

(1a) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

R.S.O. 1960,
c. 168

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

R.S.O. 1960,
c. 244, s. 9,
subs. 2,
amended

(4) Subsection 2 of the said section 9 is amended by striking out “judge” in the fifth line and inserting in lieu thereof “local judge”, so that the subsection shall read as follows:

Application
for direction

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security, or in case of a claim being made thereto by any person not named in the direction, may apply to a local judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

R.S.O. 1960,
c. 244, s. 9,
subs. 3,
repealed

(5) Subsection 3 of the said section 9, as amended by subsection 2 of section 4 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, is repealed.

7. Section 10, as amended by section 6 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, section 10a, as enacted by section 7 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, section 11, as amended by section 2 of *The Mortgage Brokers Registration Amendment Act, 1960-61* and section 8 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, section 12, as amended by section 9 of *The Mortgage Brokers Registration Amendment Act, 1962-63*, and section 13 of *The Mortgage Brokers Registration Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 244, s. 10,
re-enacted;
s. 10a
(1962-63,
c. 85, s. 7),
repealed;
ss. 11-13,
re-enacted

- 10.—(1) The Registrar shall serve upon any person who in the opinion of the Registrar is affected thereby a notice of every direction, decision, order or ruling of the Registrar. Notice of direction, decision, etc.
- (2) Where a service under subsection 1 is made upon a person who is not a registrant, the service may be made by sending the notice by registered mail to the last-known address of the person to be served. Service
- 11.—(1) Any person whose registration or right to register is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 10, request a hearing and review of the matter by the Director. Review
- (2) Where a hearing and review are requested, the Director shall serve notice upon the person who requested the review notifying him of the time and place of the hearing, which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review. Notice of hearing
- (3) Upon a review, the Director shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record. Evidence
- (4) Upon a review, the Director has and may exercise any of the powers that may be exercised under subsection 4 of section 8 by a person making an investigation. Powers of Director on review
- (5) Upon a review, the Director may confirm or revoke the decision of the Registrar or may make any other decision he deems proper. Decision of Director

- Notice of decision (6) Notice of the decision of the Director made upon a review shall be served forthwith upon the person who requested the review, together with written reasons for his decision.
- Appeal 11a.—(1) Where the Director has reviewed a decision and given his decision upon the review, the person who requested the review may appeal to a justice of appeal of the Court of Appeal.
- Form of appeal (2) Every appeal shall be by notice of motion served upon the Director within thirty days after the delivery of the notice of decision under subsection 6 of section 11, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.
- Material on appeal (3) The Director shall certify to the Registrar of the Supreme Court,
(a) the decision that has been reviewed by him;
(b) his decision upon the review, together with his reasons therefor;
(c) the record of the review; and
(d) all written submissions to him and other material received by him in connection with the review.
- Counsel (4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.
- Order for Director's decision (5) Where an appeal is taken under this section, the judge may by his order direct the Director to make such decision as the Director is authorized to make under this Act and as the judge deems proper, and thereupon the Director shall act accordingly.
- Appeal final (6) The order of the judge is final but a further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.
- Right to counsel 12. Every person whose registration or right to registration may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing.

12a.—(1) Every person who,

Offence

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$25,000 and not as provided therein.

Corporations

- (3) No proceedings under this section shall be instituted except with the consent of the Attorney General.

Consent of
Attorney
General

- (4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Director.

Limitation

13. A statement as to,

Certificate
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein, for all purposes in any action, proceeding or prosecution.

R.S.O. 1960,
c. 244, s. 14,
cl. a,
amended

8.—(1) Clause *a* of section 14 of *The Mortgage Brokers Registration Act* is amended by striking out "*The Loan and Trust Corporations Act*" in the second line, so that the clause shall read as follows:

R.S.O. 1960,
cc. 190, 194

(a) corporations registered under *The Insurance Act* or *The Investment Contracts Act*.

R.S.O. 1960,
c. 244, s. 14,
amended

(2) The said section 14 is amended by adding thereto the following clause:

R.S.O. 1960,
cc. 222, 344

(aa) corporations registered under *The Loan and Trust Corporations Act* that are not also registered under *The Real Estate and Business Brokers Act*.

R.S.O. 1960,
c. 244, s. 15,
cl. b,
amended

9. Clause *b* of section 15 of *The Mortgage Brokers Registration Act* is amended by adding at the end thereof "or renewal of registration", so that the clause shall read as follows:

(b) respecting the method of registration or renewal of registration.

Commence-
ment

10 This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1964*.

CHAPTER 64

An Act to amend The Mortgages Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 245, s. 21,
re-enacted

21. Where any principal money is secured by mortgage of land, the mortgagee, at any time after the expiration of three months from the time of default in the payment of any moneys due under the mortgage or after any omission to pay any premium of insurance that by the terms of the mortgage ought to be paid by the mortgagor, has the following powers to the like extent as if they had been in terms conferred by the mortgage: Powers
incident to
mortgages
after
default

1. A power to sell, or to concur with any other person in selling, the whole or any part of the mortgaged property by public auction or private contract, subject to any reasonable conditions he may think fit to make, and to buy in at an auction and to rescind or vary contracts for sale, and to resell the land, from time to time, in like manner without being answerable for any loss occasioned thereby.

Power of
sale
2. A power to insure and to keep insured against loss or damage by fire any building or any effects or property of an insurable nature, whether affixed to the freehold or not, being or forming part of the mortgaged property, and the premiums paid for any such insurance are a charge on the mortgaged property, in addition to the mortgage money and with the same priority and with interest at the same rate as the mortgage money.

Power to
insure

R.S.O. 1960,
c. 245, s. 23,
re-enacted;
s. 24,
repealed

2. Sections 23 and 24 of *The Mortgages Act* are repealed and the following substituted therefor:

Notice
before sale

23.—(1) No sale under the power conferred by section 21 shall be made until after forty-five days notice in writing (Form 1) has been given to the persons and in the manner provided by Part II-A.

Idem

(2) The notice may be given at any time after fifteen days default in making any payment provided for by the mortgage.

R.S.O. 1960,
c. 245, s. 28,
amended

3. Section 28 of *The Mortgages Act* is amended by striking out "except as provided in section 29" in the third line, so that the section shall read as follows:

Application
of Part II

28. So much of this Part as confers a power to sell does not apply in the case of a mortgage that contains a power of sale, and so much as confers a power to insure does not apply in the case of a mortgage that contains a power to insure; nor do any of the provisions of this Part apply to a mortgage that contains a declaration that this Part does not apply thereto.

R.S.O. 1960,
c. 245, s. 29,
repealed

4. Section 29 of *The Mortgages Act* is repealed.

R.S.O. 1960,
c. 245,
amended

5. *The Mortgages Act* is amended by adding thereto the following Part:

PART II-A

NOTICE OF EXERCISING POWER OF SALE

Notice of
power of
sale

29.—(1) A mortgagee shall not exercise a power of sale unless a notice of exercising the power of sale (Form 1) has been given by him to the following persons, other than the persons having an interest in the mortgaged property prior to that of the mortgagee and the persons subject to whose rights the mortgaged property is being sold:

R.S.O. 1960,
c. 204

1. Where the mortgaged property is registered under *The Land Titles Act*, to every person appearing by the register of title and by the index of executions to have an interest in the mortgaged property.

R.S.O. 1960,
c. 348

2. Where *The Registry Act* applies to the mortgaged property, to every person appearing by the abstract index and by the index of writs

received

received for execution by the sheriff of the county or district in which the mortgaged property is situate to have an interest in the mortgaged property.

3. Where there is a statutory lien against the mortgaged property in favour of the Crown or any other public authority and where the mortgagee exercising the power of sale has written notice of the lien, to the Crown or other public authority claiming the lien.
 4. Where the mortgagee has actual notice in writing of any other interest in the mortgaged property and where such notice has been received prior to the giving of notice exercising the power of sale, to the person having such interest.
- (2) In subsection 1, the expressions "register of title" ^{Interpretation} and "abstract index" include instruments received for registration before 4.30 p.m. on the day immediately prior to the day on which a notice of exercising the power of sale is given.
- 29a. Where a mortgage by its terms confers a power of sale upon a certain default, notice of exercising the power of sale shall not be given until the default has continued for at least fifteen days, and the sale shall not be made for at least thirty-five days after the notice has been given. ^{When notice may be given and power exercised}
- 29b.—(1) A notice of exercising a power of sale shall be given by personal service or by registered mail addressed to the person to whom it is to be given at his usual or last known place of address, or, where the last known place of address is that shown on the registered instrument under which he acquired his interest, to such address, or by leaving it at one of such places of address, or, where the mortgage provides for personal service only, by personal service, or, where the mortgage provides a specific address, to such address. ^{Manner of giving notice, general rules}
- (2) Where a person to be given a notice of exercising a power of sale is an execution creditor, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who issued the execution or, where there is no solicitor, to the execution creditor. ^{Execution creditors}

Mechanics'
lien
creditors

- (3) Where a person to be given a notice of exercising a power of sale is a mechanics' lien claimant, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who filed the claim for lien, but, where there is no solicitor and no address for service is shown on the claim for lien and the mortgagee has no actual knowledge of the lien claimant's address, no notice need be given to such lien claimant.

Persons
under
disability

- (4) Where a person to be given a notice of exercising a power of sale is under a disability, the notice shall be deemed to have been effectually given if given in accordance with subsection 1.

Deceased
persons

- (5) Where a person to be given a notice of exercising a power of sale has died, the notice shall be deemed to have been effectually given if given by registered mail in accordance with subsection 1, and, subject to item 4 of subsection 1 of section 29, shall be deemed to be effectual notice to all persons who have any interest in the deceased's estate.

When notice
by mail
effective

- 29c. A notice of exercising a power of sale shall, if given by registered mail, be mailed in Ontario, and such a notice shall be deemed to have been given on the day on which it was mailed.

Statutory
declarations
conclusive
R.S.O. 1960,
c. 204

- 29d. Subject to *The Land Titles Act* and except where an order is made under section 29h, a statutory declaration by the mortgagee, his solicitor or agent as to default, a statutory declaration proving service, including production of the post office receipt of registration, if any, and a statutory declaration by the mortgagee or his solicitor that the sale complies with this Part and, where applicable, with Part II, is conclusive evidence of compliance with this Part and, where applicable, with Part II, sufficient to give a good title to the purchaser.

Impeach-
ment of
title

- 29e. Where a notice has been given in professed compliance with this Part and, where applicable, with Part II, the title of the purchaser is not liable to be impeached on the ground that the provisions of this Part or, where applicable, Part II respecting default and the provisions of this Part respecting notice, have not been complied with, but any person damnified thereby has his remedy against the person exercising the power of sale.

29f. Nothing in this Part shall be deemed to abridge, Abridgement of time

- (a) the period of default after which notice exercising a power of sale may be given where the period of default provided by the mortgage is greater than the period of default mentioned in section 29a; or
- (b) the period of time after notice has been given after which the mortgaged premises may be sold where the period of time provided by the mortgage is greater than the period of time mentioned in section 29a.

29g. Notwithstanding any agreement to the contrary or any provision contained in any mortgage or any provision of this or any other Act, sections 29, 29a, 29b, 29c, 29d and 29e apply to any power of sale in a mortgage, and sections 29, 29b, 29c, 29d and 29e apply to the power of sale conferred by section 21. Notice rules paramount

29h.—(1) Where a mortgage by its terms confers a power of sale upon a certain default and such default has continued for fifteen days, or where there has been at least three months default under a mortgage with respect to which a power of sale is conferred by section 21, a mortgagee may apply *ex parte* to the judge of the county or district court of the county or district in which the mortgaged property or any part thereof is situate, or to the Master of the Supreme Court, for leave to exercise power of sale without notice. Exercise of power of sale without notice

(2) Upon an application under subsection 1, the judge Idem or master, as the case may be, shall, having regard to the circumstances, either grant leave to exercise the power of sale without notice or with such notice to such persons, in such manner and within such time as he deems proper.

29i. This Part does not apply to a mortgage given by a corporation to secure bonds or debentures. Part II-A does not apply to bond mortgages

6. Section 30 of *The Mortgages Act* is repealed. R.S.O. 1960, c. 245, s. 30, repealed

7. Form 1 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 245, Form 1, re-enacted

FORM 1

(Sections 23 (1) and 29 (1))

NOTICE OF SALE UNDER MORTGAGE

Take notice that default has been made in payment of the moneys due under a certain mortgage dated the..... day of, 19..., made between (*here state parties and describe mortgaged property*) which mortgage was registered on the.....day of....., 19..., in the registry division, etc. (*and, if the mortgage has been assigned, add: and which mortgage was assigned to the undersigned on the..... day of....., 19...*).

And I hereby give you notice that the amount now due on the mortgage for principal money, interest (*if so, add: taxes, insurance premiums, or other matters*) and costs, respectively, are as follows:

(*Set out items claimed to be due*)

And unless the said sums are paid on or before the..... day of....., 19... (*a day not less than forty-five days from the service of the notice where the power of sale is exercised under Part II, or a day not less than thirty-five days from the service of the notice where Part II-A applies*), I shall sell the property covered by the said mortgage under the provisions contained in it (*or if so: under Part II of The Mortgages Act*).

This notice is given to you as you appear to have an interest in the mortgaged property and may be entitled to redeem the same.

Dated the.....day of....., 19...

(Signed).....
Mortgagee

Transitional
provision

8. *The Mortgages Act*, as amended by this Act, applies where proceedings under a power of sale are commenced on or after the 1st day of September, 1964.

1961-62,
c. 83,
repealed

9. *The Mortgages Amendment Act, 1961-62* is repealed.

Commence-
ment

10. This Act comes into force on the 1st day of September, 1964.

Short title

11. This Act may be cited as *The Mortgages Amendment Act, 1964*.

CHAPTER 65

An Act to amend The Mothers' Allowances Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause iii of clause *a* of subsection 1 of section 2 of *The Mothers' Allowances Act* is amended by striking out "six" in the second line and inserting in lieu thereof "three", so that the subclause shall read as follows:

(iii) whose husband has deserted her and has not been heard of for three months or more, or

.

(2) Subclause iv of clause *a* of subsection 1 of the said section 2 is amended by striking out "six" in the third line and inserting in lieu thereof "three", so that the subclause shall read as follows:

(iv) whose dependent child was born out of wedlock, where the mother is eighteen years or more of age and her dependent child is three months or more of age, or

.

(3) Subclause vi of clause *a* of subsection 1 of the said section 2 is repealed and the following substituted therefor:

(vi) whose husband is imprisoned in a penal institution and, at the date of the application, has a term of imprisonment remaining to be served of six months or more, and

.

(4) Subclause viii of clause *a* of subsection 1 of the said section 2 is amended by striking out "a regional administrator" in the fourth and fifth lines and inserting in lieu thereof "the Director", so that the subclause shall read as follows:

(viii)

- (viii) who has resided in Ontario for at least one year immediately before the date of application, or, where she was absent from Ontario for any period of time during that year, the Director is satisfied that the period of absence was of a temporary nature, and

R.S.O. 1960,
c. 247, s. 2,
subs. 1, cl. a,
subcl. ix,
amended

- (5) Subclause ix of clause *a* of subsection 1 of the said section 2 is amended by striking out "a regional administrator" in the third line and inserting in lieu thereof "the Director", so that the subclause shall read as follows:

- (ix) who remains in Ontario with her dependent child except where she has been given permission in writing by the Director to be absent from Ontario for compassionate or other reasons satisfactory to him, and

R.S.O. 1960,
c. 247, s. 2,
subs. 1, cl. a,
subcl. x,
amended

- (6) Subclause x of clause *a* of subsection 1 of the said section 2 is amended by striking out "a regional administrator" in the first and second lines and inserting in lieu thereof "the Director", so that the subclause shall read as follows:

- (x) who is, in the opinion of the Director, a suitable person to receive an allowance; or

R.S.O. 1960,
c. 247, s. 2,
subs. 1, cl. c,
subcl. ii,
amended

- (7) Subclause ii of clause *c* of subsection 1 of the said section 2 is amended by striking out "a regional administrator" in the first and second lines and inserting in lieu thereof "the Director", so that the subclause shall read as follows:

- (ii) who is, in the opinion of the Director, a suitable person to act as foster-mother to her dependent foster-child.

R.S.O. 1960,
c. 247, s. 2,
amended

- (8) The said section 2, as amended by section 3 of *The Mothers' and Dependent Children's Allowances Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Completion
of school
year

- (3) Where a child,

(a) is a beneficiary under this Act;

(b) is attending an educational institution other than a secondary school; and

(c)

(c) attains the age of eighteen years while in such attendance,

the child shall be deemed to be a dependent child for the purposes of this Act until the end of the school year in which he attains the age of eighteen years.

2. Clause *c* of section 4 of *The Mothers' Allowances Act* R.S.O. 1960, c. 247, s. 4, amended is amended by striking out "a regional administrator" in the first and second lines and inserting in lieu thereof "the Director", so that the clause shall read as follows:

(c) is on vacation from school and the Director is satisfied that the child will return to school at the end of the vacation period.

3. Subsection 2 of section 5 of *The Mothers' Allowances Act* R.S.O. 1960, c. 247, s. 5, amended is amended by striking out "A regional administrator" in the first line and inserting in lieu thereof "The Director", so that the subsection shall read as follows:

(2) The Director may determine the amount of any allowance directed to be paid under subsection 1 or any predecessor thereof and may from time to time vary the amount so determined. Special cases

4. Section 6 of *The Mothers' Allowances Act*, as re-enacted by section 4 of *The Mothers' and Dependent Children's Allowances Amendment Act, 1962-63*, R.S.O. 1960, c. 247, s. 6 (1962-63, c. 86, s. 4), amended is amended by striking out "a regional administrator" in the third and fourth lines and inserting in lieu thereof "the Director", so that the section shall read as follows:

6. Where a recipient has qualified for an allowance under subclause iii of clause *a* of subsection 1 of section 2 and the deserting husband is later found, the Director may, in his discretion, continue payment of the allowance for a period of not more than three months from the first day of the month following the month in which he is found. Continuation of allowances in desertion cases

5. Sections 7 and 8 of *The Mothers' Allowances Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 247, s. 7, re-enacted; s. 8, repealed

7. The Director shall,

Duties of Director

- (a) receive applications for allowances;
- (b) determine the eligibility of each applicant to receive an allowance and, where the applicant is eligible, determine the amount of the

allowance

allowance and direct payment accordingly, and may from time to time vary any amount so determined; and

(c) act as chairman of the board of review.

R.S.O. 1960,
c. 247, s. 13,
cl. j,
amended

6. Clause *j* of section 13 of *The Mothers' Allowances Act* is amended by striking out "additional" in the first line and inserting in lieu thereof "the powers and", so that the clause shall read as follows:

(j) prescribing the powers and duties of regional administrators.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Mothers' Allowances Amendment Act, 1964*.

CHAPTER 66

**An Act to amend
The Motor Vehicle Accident Claims Act, 1961-62**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding "or" at the end of ^{1961-62, c. 84, s. 1, cl. d, amended} subclause iii and by adding thereto the following subclause:

- (iv) that is registered under *The Highway Traffic Act* in ^{R.S.O. 1960, c. 172} the name of a municipality.

2. Subsection 3 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding at the end thereof ^{1961-62, c. 84, s. 2, subss. 3, amended} "and in addition his licence or permit may be suspended for a period of not more than one year", so that the subsection shall read as follows:

- (3) Every person who knowingly makes a false statement ^{Offence for false statement} in respect of any matter upon the issuance or transfer of a permit under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition his licence or permit may be suspended for a period of not more than one year.

3. Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62* are repealed and the following ^{1961-62, c. 84, s. 3, subss. 3, 4, re-enacted} substituted therefor:

- (3) Every owner of a motor vehicle who fails to produce ^{Offence for failure to produce evidence} evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*. ^{R.S.O. 1960, c. 172}

Offence for
producing
false
evidence

- (4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition his licence or permit may be suspended for a period of not more than one year and he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

Payment of
uninsured
motor
vehicle fee

- (5) Where the owner of a motor vehicle is convicted of an offence under subsection 3 or 4 and he has not paid the uninsured motor vehicle fee for the current year in respect of such motor vehicle, he may be required to pay such fee unless he produces evidence that the motor vehicle was insured at the time the offence was committed.

Application
of subss. 1,
3-5

- (6) Subsections 1, 3, 4 and 5 do not apply to the owner of a motor vehicle that is registered in a country, state or province other than the Province of Ontario.

1961-62,
c. 84, s. 5,
subs. 5,
re-enacted

4.—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

Suspension
of licence
and permit

- (5) Where payment is made under subsection 3, the driver's licence and owner's permit or permits of the person or persons to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person or persons have,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10; and

(c) filed proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

1961-62,
c. 84, s. 5,
subs. 6,
amended

(2) Subsection 6 of the said section 5 is amended by inserting after "3" in the third line "or by the payment of instalments in accordance with the regulations under section 10", so that the subsection shall read as follows:

(6)

- (6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

5. Subsection 1 of section 7 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following clause: ^{1961-62, c. 84, s. 7, subs. 1, amended}

- (ca) the defendant did not appear in person at an examination for discovery; or

.

6. Section 16 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: ^{1961-62, c. 84, s. 16, re-enacted}

16. In an action against the Registrar, a judgment against the Registrar shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties, other than the Registrar, to ascertain the identity of the motor vehicle and of the owner and driver thereof, and that,

- (a) in the case of actions under section 11, the identity of the motor vehicle and of the owner and driver thereof cannot be established; or
- (b) in the case of actions under section 14, the identity of the driver of the motor vehicle that caused the death or injury cannot be established.

7. Section 22 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following subsection: ^{1961-62, c. 84, s. 22, amended}

- (6) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs. ^{Interest}

8. *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following section: ^{1961-62, c. 84, amended}

- 26a. For the purposes of section 151 of *The Highway Traffic Act*, offences under this Act shall be deemed to be offences under *The Highway Traffic Act*. ^{Disposition of fines R.S.O. 1960, c. 172}

Commence-
ment

9.—(1) This Act, except sections 7 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 7 and 8 shall be deemed to have come into force on the 1st day of July, 1962.

Short title

10. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1964*.

CHAPTER 67

An Act to amend The Motor Vehicle Fuel Tax Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Motor Vehicle Fuel Tax Act* is amended by striking out “18.5” in the second line and inserting in lieu thereof “20.5”, so that the subsection shall read as follows: R.S.O. 1960, c. 248, s. 3, subs. 1, amended

(1) Every purchaser shall pay to the Treasurer a tax at ^{Tax} the rate of 20.5 cents per imperial gallon on all fuel received by him.

(2) Subsection 2 of the said section 3 is amended by striking out “18.5” in the second line and inserting in lieu thereof “20.5”, so that the subsection shall read as follows: R.S.O. 1960, c. 248, s. 3, subs. 2, amended

(2) Every registrant shall pay to the Treasurer a tax at ^{Idem} the rate of 20.5 cents per imperial gallon on all fuel used by him to generate power for the propulsion of a motor vehicle.

2. Subsection 1 of section 19 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 248, s. 19, subs. 1, re-enacted

(1) Subject to subsection 1a, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information to be secret

(1a) The Treasurer may,

(a) communicate or allow to be communicated Communication of information to other jurisdictions information obtained under this Act; or

(b)

(b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

Commence-
ment

3.—(1) This Act, except section 1, comes into force on the 1st day of April, 1964.

Idem

(2) Section 1 shall be deemed to have come into force on the 13th day of February, 1964.

Short title

4. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1964*.

CHAPTER 68

An Act to amend The Municipal Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 12 of *The Municipal Act* is amended by adding at the end thereof "and such order shall be registered by the municipality affected as required by section 75 of *The Registry Act* as soon as practicable after the effective date of the order", so that the subsection shall read as follows:

R.S.O. 1960,
c. 249, s. 12,
subs. 4,
amended

- (4) The order of the Municipal Board incorporating or erecting a local municipality is conclusive evidence that all conditions precedent to the making of the order have been complied with and that the local municipality has been duly incorporated or erected in accordance with this Act, and such order shall be registered by the municipality affected as required by section 75 of *The Registry Act* as soon as practicable after the effective date of the order.

Order of
Board
conclusive

R.S.O. 1960,
c. 348

2.—(1) Section 14 of *The Municipal Act* is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 249, s. 14,
amended

- (10a) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders, define urban services and cost of urban services and establish and, after establishment, alter one or more urban service areas within the municipality as enlarged by an annexation or resulting from an amalgamation and determine the manner in which and upon what lands or rateable property the cost of providing urban services is to be levied and raised by the municipality, and determine the manner in which and upon what lands or rateable property the liabilities, in respect of urban services of any of the municipalities

Urban
service
areas

as they existed prior to the annexation or amalgamation or in respect of urban services in whole or in part within an urban service area, shall be discharged by the imposition of rates in an urban service area.

Effect of
order on
exemptions

- (10*b*) An order under subsection 10*a* does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application
of
R.S.O. 1960,
c. 23, s. 37

- (10*c*) Section 37 of *The Assessment Act* applies to lands situated in an urban service area with respect to taxation or rates levied under or by virtue of an order made under this subsection as if the urban service area were the whole municipality.

R.S.O. 1960,
c. 249, s. 14,
amended

- (2) The said section 14 is further amended by adding thereto the following subsection:

Registration
of order
under
R.S.O. 1960,
c. 348, s. 75

- (23) When an order is made under subsection 2, it shall be registered as required by section 75 of *The Registry Act* as soon as practicable after the effective date of the order,

(*a*) where the order is made upon the application of the Minister of Municipal Affairs, by such Minister;

(*b*) where the order is for annexation, by the municipality to which territory has been annexed; and

(*c*) where the order is for amalgamation, by the new municipality.

R.S.O. 1960,
c. 249, s. 17,
subs. 2,
amended

3.—(1) Subsection 2 of section 17 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to subsections 4 and 5", so that the subsection shall read as follows:

Idem

- (2) Subject to subsections 4 and 5, the amalgamation of two or more municipalities does not affect the by-laws then in force in each of the former municipalities, and they remain in force in each former municipality until repealed by the council of the new municipality.

R.S.O. 1960,
c. 249, s. 17,
amended

- (2) The said section 17 is amended by adding thereto the following subsections:

- (4) Where, on the date of an order of the Municipal Board providing for the amalgamation of two or more municipalities, there is a by-law, passed under section 2 of *The Municipal Franchise Extension Act*, in force in one or more of the municipalities, then,

By-laws
under
R.S.O. 1960,
c. 254

- (a) if the municipality or municipalities in which such a by-law is in force have more than 50 per cent of the population of the new municipality according to the last revised assessment rolls of the former municipalities, such by-law or by-laws shall be deemed to be in force for all purposes of the whole of the new municipality until repealed by the council of the new municipality; or
- (b) if the municipality or municipalities in which such a by-law is in force have less than 50 per cent of the population of the new municipality according to the last revised assessment rolls of the former municipalities, such by-law or by-laws shall be deemed to be repealed for all purposes of the new municipality.

- (5) When two or more municipalities are amalgamated and a question submitted under subsection 5 of section 1 or subsection 4 or 5 of section 2 of *The Lord's Day (Ontario) Act, 1960-61* has received the affirmative vote of a majority of the electors in one or more of the municipalities, which has not been reversed by an affirmative vote on a question submitted under subsection 6 of section 1 or subsection 6 of section 2 of *The Lord's Day (Ontario) Act, 1960-61*, it shall be deemed to have received the affirmative vote of a majority of the electors in the new municipality, and any by-law passed under such Act that was in force in any former municipality on the date of amalgamation shall remain in force in such former municipality until altered or repealed by the council of the new municipality.

By-laws
under
1960-61,
c. 50

4. Subsection 1 of section 202 of *The Municipal Act*, as re-enacted by section 26 of *The Municipal Amendment Act, 1961-62*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960,
c. 249, s. 202
(1961-62,
c. 86, s. 26),
subs. 1,
amended

- (c) where the council of a municipality has passed a by-law or by-laws providing that the council shall consist of ten or more members to be elected at the next election of members of the council, providing

that,

that, commencing with the first year in which the enlarged council holds office, there shall be a board of control consisting of the head of council and four controllers to be elected by general vote.

R.S.O. 1960,
c. 249,
s. 248c
(1962-63,
c. 87, s. 10),
subs. 3,
re-enacted

5. Subsection 3 of section 248c of *The Municipal Act*, as enacted by section 10 of *The Municipal Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Transfer
from pension
fund

(3) Notwithstanding any general or special Act, where an employee, as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948, terminates his employment with a municipality or local board and without intervening employment becomes a member of,

- (a) the civil service of Ontario or Canada;
- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

the municipality or local board shall, on the written request of the employee, authorize the transfer of a sum of money that is equal to,

- (d) the contributions made by the employee, plus any interest thereon, or
- (e) the present value of the benefits for which contributions were made by the employee, or on his behalf by the municipality or local board, prior to the termination of his employment,

whichever is the greater sum, under a superannuation or pension fund or plan to which the municipality or local board has made contributions under any general or special Act to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

R.S.O. 1960,
c. 249,
heading,
amended

6. The heading preceding section 320 of *The Municipal Act* is amended by striking out "INTO FINANCES".

7. Subsection 1 of section 320 of *The Municipal Act* is amended by striking out "the financial" in the third line and inserting in lieu thereof "any of the", so that the subsection shall read as follows:

R.S.O. 1960,
c. 249, s. 320,
subs. 1,
amended

- (1) The Lieutenant Governor in Council, upon the recommendation of the Minister of Municipal Affairs, may issue a commission to inquire into any of the affairs of any municipality, or local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

Commission
of inquiry

R.S.O. 1960,
c. 323

8. Section 333 of *The Municipal Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 249, s. 333,
amended

- (4) A municipality as defined in *The Department of Municipal Affairs Act*, including The Municipality of Metropolitan Toronto, that has authority to expropriate land may, with the approval of the Municipal Board, exercise this authority in respect of the land of another such municipality.

Power to
expropriate
land of
another
municipality
R.S.O. 1960,
c. 98

9.—(1) Paragraph 54 of section 377 of *The Municipal Act* is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 249, s. 377,
par. 54,
amended

- (a) Clause *a* of paragraph 105 of subsection 1 of section 379 applies to penalties provided by a by-law passed under this paragraph.
- (b) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of the motor vehicle is also liable to such a penalty, unless, at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

(2) The said section 377 is amended by adding thereto the following paragraph:

R.S.O. 1960,
c. 249, s. 377,
amended

- 57a. For permitting any person under such conditions as may be agreed upon to place and maintain boxes for the dispensing of newspapers upon a sidewalk or the untravelled portion of a highway under its jurisdiction.

Newspaper
boxes

R.S.O. 1960,
c. 249,
s. 379a
(1961-62,
c. 86, s. 43),
amended

10. Section 379a of *The Municipal Act*, as enacted by section 43 of *The Municipal Amendment Act, 1961-62*, is amended by adding thereto the following subsection:

When
daylight
saving
time in
effect

- (16) A by-law passed by the council of a municipality under this section may provide that, so long as the time commonly observed in the municipality is one hour in advance of standard time, the times mentioned in this section and in the by-law shall be reckoned in accordance with the time so commonly observed and not standard time.

R.S.O. 1960,
c. 249, s. 380
(1962-63,
c. 87, s. 17),
subs. 10,
amended

11.—(1) Subsection 10 of section 380 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1962-63*, is amended by inserting after "municipality" in the sixth line "or within an area established under clause f of paragraph 52 of subsection 1 of section 379", so that the subsection shall read as follows:

Sewer or
water works
rate for
cost of
existing
works

- (10) Where in a local municipality there is land that has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewage works or water works except in the same manner and to the same extent as all other owners or occupants of land within the municipality or within an area established under clause f of paragraph 52 of subsection 1 of section 379 have been or are assessable or taxed and a sewer or water main forming part of such existing sewage works or water works is to be constructed by means of which an immediate benefit from the existing works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate or water works rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works or water works as the by-law may specify.

R.S.O. 1960,
c. 249, s. 380
(1962-63,
c. 87, s. 17),
subs. 14,
re-enacted

(2) Subsection 14 of the said section 380 is repealed and the following substituted therefor:

Rate
structure

- (14) The council of a local municipality for the purposes of subsections 2 and 10 may, by by-law passed with the approval of the Municipal Board,

- (a) establish a sewer rate structure or a water works rate structure upon which the sewer rates or water works rates imposed under subsection 2 or 10 shall be based and calculated,

and,

and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced;

(b) provide for the exemption or partial exemption from a foot frontage rate and for the termination of such exemption or partial exemption upon,

- (i) lands at the junction or intersection of streets or highways, or
- (ii) lands that are triangular or irregularly shaped, or
- (iii) lands, in respect of a sewer rate only, that, because of the nature of the terrain or the elevation of the sewer, do not derive the same benefit as other lands abutting on the sewer, or
- (iv) lands having frontages in excess of 100 feet and used for agricultural purposes or residences in connection with such agricultural purposes,

upon a basis that is equitable and just.

(3) The said section 380 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 249, s. 380
(1962-63,
c. 87, s. 17),
amended

- (14a) Where a by-law passed under subsection 14 provides for a frontage rate, the council may also either by general by-law or by a by-law applicable to the particular work prescribe the terms and conditions upon which persons whose lands are liable to a frontage rate may commute such frontage rate for a payment in cash.

Commuta-
tion

12. Section 401 of *The Municipal Act* is amended by adding thereto the following paragraph:

R.S.O. 1960,
c. 249, s. 401,
amended

19. For licensing, regulating and governing chimney-repair men and persons engaging in the business of chimney-repair men, altering, repairing or renovating buildings or struc- etc.

tures or constructing radiation fallout shelters, and for refusing a licence to any applicant who is not of good character or who has not in the municipality a place of business where he either is assessed for business tax with respect to such business or has, before commencing such business, paid a licence fee pursuant to a by-law passed under paragraph 18, and for revoking such licence.

(a) No by-law passed under this paragraph applies to a building contractor whose principal business is the construction of buildings or structures.

(b) The fee to be paid for a licence shall not exceed \$10.

R.S.O. 1960,
c. 249, s. 411,
subss. 2, 3,
re-enacted;
subss. 4, 5,
repealed

13. Subsections 2, 3, 4 and 5 of section 411 of *The Municipal Act* are repealed and the following substituted therefor:

Expenditures
for publicity

(2) The council of a municipality may, by a vote of three-fourths of all the members of the council or, in the case of a county, by a vote of three-fourths of the voting strength of the council, expend in any year a sum not exceeding \$60,000 for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre.

Pooling of
funds

(3) Any two or more municipalities may pool their funds and act jointly for the purposes of this section.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Municipal Amendment Act, 1964*.

CHAPTER 69

An Act to amend The Municipal Unconditional Grants Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 8a of *The Municipal Unconditional Grants Act*, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1960-61* and amended by section 1 of *The Municipal Unconditional Grants Amendment Act, 1961-62* and section 1 of *The Municipal Unconditional Grants Amendment Act, 1962-63*, is repealed and the following substituted therefor:

8a. There shall be paid in each year out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant equal to 80 per cent of the expenditures for the preceding year incurred by the municipality to discharge its liabilities under sections 18 and 27 of *The Public Hospitals Act* and section 22 of *The Private Hospitals Act* and for premiums payable to the Hospital Services Commission of Ontario to insure indigent persons of such municipality, less 50 per cent of the amounts recovered under sections 29 and 30 of *The Public Hospitals Act* in the preceding year.

(2) There shall be paid in the year 1964 out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts, in addition to any grant under section 8a of *The Municipal Unconditional Grants Act*, as re-enacted by subsection 1, a grant equal to 80 per cent of the expenditures for the year 1963 incurred by the municipality to discharge its liabilities under sections 18 and 27 of *The Public Hospitals Act* that were not eligible for a grant under subsection 4 of section 8a

R.S.O. 1960,
c. 259, s. 8a,
subs. 4
(1962-63,
c. 88, s. 1,
subs. 2)

of *The Municipal Unconditional Grants Act*, as enacted by subsection 2 of section 1 of *The Municipal Unconditional Grants Amendment Act*, 1962-63.

R.S.O. 1960,
c. 259,
Sched.,
re-enacted

2. The Schedule to *The Municipal Unconditional Grants Act* is repealed and the following substituted therefor:

SCHEDULE

(Section 7)

In recognition of the expenditures that local municipalities are required to make to provide municipal services and in recognition of the larger per capita expenditures that municipalities with larger populations are required to make on certain municipal services, the following unconditional per capita grants, to be used to reduce the amount of taxes to be levied on residential and farm assessment, as required under section 294 of *The Municipal Act*:

1. To a metropolitan municipality or city,
 - (a) having a population of 750,000 or more, \$5.50 per capita;
 - (b) having a population of 400,000 or more but less than 750,000, \$5.00 per capita if located in a county, and \$4.00 per capita if located in a territorial district;
 - (c) having a population of 200,000 or more but less than 400,000, \$4.50 per capita if located in a county, and \$3.50 per capita if located in a territorial district;
 - (d) having a population of 75,000 or more but less than 200,000, \$4.25 per capita if located in a county, and \$3.25 per capita if located in a territorial district;
 - (e) having a population of less than 75,000, \$4.00 per capita if located in a county, and \$3.00 per capita if located in a territorial district.
2. To a town or village,
 - (a) having a population of 10,000 or more, \$3.75 per capita if located in a county, and \$2.75 per capita if located in a territorial district;
 - (b) having a population of 7,000 or more but less than 10,000, \$3.50 per capita if located in a county, and \$2.50 per capita if located in a territorial district;
 - (c) having a population of 5,000 or more but less than 7,000, \$3.25 per capita if located in a county, and \$2.25 per capita if located in a territorial district;
 - (d) having a population of 2,000 or more but less than 5,000, \$3.10 per capita if located in a county, and \$2.10 per capita if located in a territorial district;
 - (e) having a population of less than 2,000, \$3.00 per capita if located in a county, and \$2.00 per capita if located in a territorial district.
3. To a township,
 - (a) having a population of 20,000 or more, \$3.75 per capita if located in a county, and \$2.75 per capita if located in a territorial district;

(b)

- (b) having a population of 15,000 or more but less than 20,000, \$3.50 per capita if located in a county, and \$2.50 per capita if located in a territorial district;
- (c) having a population of 10,000 or more but less than 15,000, \$3.35 per capita if located in a county, and \$2.35 per capita if located in a territorial district;
- (d) having a population of 5,000 or more but less than 10,000, \$3.25 per capita if located in a county, and \$2.25 per capita if located in a territorial district;
- (e) having a population of 2,000 or more but less than 5,000, \$3.10 per capita if located in a county, and \$2.10 per capita if located in a territorial district;
- (f) having a population of less than 2,000, \$3.00 per capita if located in a county, and \$2.00 per capita if located in a territorial district.

3. This Act shall be deemed to have come into force on the 1st day of January, 1964. ^{Commence-}_{ment}

4. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1964*. ^{Short title}

CHAPTER 70

**An Act to amend
The Municipal Works Assistance Act, 1963**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Works Assistance Act, 1963* is amended by ^{1963, c. 1,}_{amended} adding thereto the following section:

5a. The moneys required for the purposes of this Act ^{Moneys}_{required} shall be paid out of the Consolidated Revenue Fund. ^{for Act}

2. This Act comes into force on the day it receives Royal ^{Commence-}_{ment} Assent.

3. This Act may be cited as *The Municipal Works Assistance* ^{Short title}_{Amendment Act, 1964.}

CHAPTER 71

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 135 of *The Municipality of Metropolitan Toronto Act*, as amended by section 4 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61* and section 11 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 260, s. 135,
amended

- (8) Where the School Board has approved the provision by a board of education within the Metropolitan Area of an educational service to children in a hospital or under the care of a charitable institution, the School Board may make maintenance assistance payments in respect of such children.
- Children
in hospital
or under
care of
charitable
institution

2.—(1) Subsection 1 of section 220 of *The Municipality of Metropolitan Toronto Act*, as amended by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*, is further amended by striking out "21" in the amendment of 1962-63.

R.S.O. 1960,
c. 260, s. 220,
subs. 1,
amended

(2) The said section 220 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 260, s. 220,
amended

- (3) The Metropolitan Corporation, with the approval of the Minister, may enter into an agreement with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the physical condition of The Metropolitan Toronto Planning Area or any part thereof.
- Agreements
re special
studies

3. Section 230 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 260, s. 230,
amended

Valuations
of properties
in respect of
which grants
in lieu of
taxes
received

(9a) The clerk of an area municipality shall transmit to the clerk of the Metropolitan Corporation, within sixty days of the receipt of a grant paid in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such grant was made.

Grants

4. The Metropolitan Council may make the following grants:

1. \$25,000 to the Pentecostal Benevolent Association of Ontario toward the cost of an addition to Shepherd Lodge.
2. \$3,000 to the Canadian Red Cross Society to be used for Italian flood relief.
3. \$40,000 to the Council of Catholic Charities toward the cost of renovation of The Good Shepherd Refuge.

Commence-
ment

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 1st day of January, 1963.

Short title

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1964*.

CHAPTER 72

An Act to amend The Notaries Act, 1962-63*Assented to May 8th, 1964**Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 5 of *The Notaries Act, 1962-63* is repealed and the following substituted therefor:

1962-63,
c. 91, s. 5,
subs. 4,
re-enacted

- (4) Every notary public to whom this section applies shall indicate, by means of a stamp approved by the Inspector of Legal Offices and affixed under his signature, the date upon which his commission expires and such limitations as to territory and purposes as are contained in the commission.

Indication
of expiry of
commissions

2. This Act may be cited as *The Notaries Amendment Act*, 1964.

Short title

CHAPTER 73

An Act to amend The Nurses Act, 1961-62

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Nurses Act, 1961-62* is repealed and the following substituted therefor: 1961-62,
c. 90, s. 5,
re-enacted

5.—(1) No person shall establish, maintain or conduct a school of nursing or a training centre unless it has received the approval of the Lieutenant Governor in Council on the recommendation of the Council. Schools of
nursing and
training
centres

(2) Any approval given to a school of nursing or a training centre under subsection 1 may be revoked by the Lieutenant Governor in Council on the recommendation of the Council. Idem

(3) The schools of nursing and the training centres that are being maintained and conducted on the day this Act comes into force shall be deemed to have been approved in accordance with subsection 1. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Nurses Amendment Act, 1964*. Short title

CHAPTER 74

The Ontario Energy Board Act, 1964

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "associate" means a person, whether directly or indirectly through one or more intermediaries,
 - i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,
 - ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,
 - iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;
2. "Board" means the Ontario Energy Board;
3. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;
4. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F;

5. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;
6. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;
7. "land" includes any interest in land;
8. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;
9. "Minister" means the Minister of Energy and Resources Management;
10. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
11. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;
12. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;
13. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;
14. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
15. "regulations" means the regulations made under this Act;
16. "station" means a compressor station, a metering station, an odorizing station or a regulating station;
17. "storage company" means a person engaged in the business of storing gas;
18. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;

R.S.O. 1960,
c. 191

19. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;
20. "utility line" means a pipe line, a telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;
21. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining sub-surface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;
22. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas.
R.S.O. 1960, c. 271, s. 1, *amended*.

PART I

THE BOARD

2.—(1) The Ontario Energy Board shall continue to con-^{Board, composition}sist of not fewer than three and not more than five members as the Lieutenant Governor in Council may from time to time determine.

(2) The members of the Board shall be appointed by the^{appoint-ment} Lieutenant Governor in Council, and one of them shall be designated chairman and one or more of them may be designated vice-chairmen.

(3) Vacancies in the membership of the Board caused by^{vacancies} death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

(4) Two members of the Board form a quorum and are^{quorum} sufficient for the exercise of all the jurisdiction and powers of the Board whether or not a vacancy in the membership of the Board exists. R.S.O. 1960, c. 271, ss. 2-4, *amended*.

Secretary
1961-62,
c. 121

3.—(1) A secretary of the Board and such assistant secretaries as are deemed necessary may be appointed under *The Public Service Act, 1961-62*. R.S.O. 1960, c. 271, s. 6 (1), *amended*.

Acting
secretary

(2) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate a member of the Board or an assistant secretary to act *pro tempore* as secretary. R.S.O. 1960, c. 271, s. 6 (3).

Staff

4. The staff of the Board shall consist of such officers and employees as are deemed necessary. R.S.O. 1960, c. 271, s. 6 (4).

Power to
administer
oaths

5. Every member of the Board and its secretary has, for the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 5.

Protection
from being
called as
witnesses

6.—(1) No member of the Board or its secretary or any of its staff shall be required to give testimony in any proceedings with regard to information obtained by him in the discharge of his official duties.

Protection
from
personal
liability

(2) No member of the Board or its secretary or any of its staff is personally liable for anything done by it or by him under the authority of this or any other Act. R.S.O. 1960, c. 271, s. 7.

Certified
copies

7. Upon application of any person and upon payment of the prescribed fee, a member of the Board or the secretary shall certify and deliver to such person a true copy of any order or reasons for decision of the Board. R.S.O. 1960, c. 271, s. 8, *amended*.

Assistance

8. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it. R.S.O. 1960, c. 271, s. 9.

Annual
report

9.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 271, s. 39, *amended*.

Money

10. The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1960, c. 271, s. 10.

11.—(1) The Board shall adopt an official seal. R.S.O. 1960, c. 271, s. 11 (1).

(2) All orders made by the Board shall be signed by the chairman, a vice-chairman, the secretary or an assistant secretary and sealed with the seal of the Board, and, when purporting to be so signed and sealed, shall be judicially noticed without further proof. R.S.O. 1960, c. 271, s. 11 (2), *amended*. ^{Signing of orders}

(3) *The Regulations Act* does not apply to the orders of the Board. R.S.O. 1960, c. 271, s. 11 (3). ^{R.S.O. 1960, c. 349, not to apply}

12. No authority given by the Board under this or any other Act shall be assigned without the leave of the Board. *New*. ^{Assignment of authority}

13.—(1) The Board has in all matters within its jurisdiction authority to hear and determine all questions of law and of fact. ^{Power to determine law and fact}

(2) Subject to subsection 2 of section 35, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order. R.S.O. 1960, c. 271, s. 12 (1), *amended*. ^{Applications}

(3) Where a proceeding before the Board is commenced by a reference to the Board by the Minister, the Board shall proceed in accordance with the reference. ^{References}

(4) Where a proceeding before the Board is commenced by requirement of the Lieutenant Governor in Council, the Board shall proceed in accordance with the requirement. *New*. ^{Orders in council}

(5) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. R.S.O. 1960, c. 271, s. 12 (2). ^{Jurisdiction exclusive}

14. The Board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect this or any other Act has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. R.S.O. 1960, c. 271, s. 13. ^{Powers of Supreme Court exercisable by Board}

15.—(1) The Board may at any time on its own motion and without a hearing approve the form of a document or ^{Board's powers, miscellaneous}

give directions or require the preparation of evidence incidental to the exercise of the powers conferred upon the Board by this or any other Act.

ex parte
orders

(2) The Board, if it is satisfied that the special circumstances of the case so require or that the delay necessary to give notice of an application might entail serious mischief, may make an *ex parte* order respecting the practice and procedure in any proceeding before it. *New.*

Hearings

1964, c. 27

(3) Subject to subsections 1 and 2 of this section, subsection 5 of section 19, subsection 2 of section 22, section 23 and subsection 2 of section 37 of this Act and to subsection 2 of section 6 of *The Energy Act, 1964*, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs.

Proceedings,
public

(4) Every proceeding before the Board shall be open to the public. R.S.O. 1960, c. 271, s. 14 (1, 2), *amended.*

place of

(5) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. R.S.O. 1960, c. 271, s. 14 (3).

use of
court house

(6) Where sittings of the Board are to be held in a municipality in which a court house is situate, the Board and its members have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof and of other buildings and rooms set aside in the municipality for the administration of justice.

use of
municipal
hall

(7) Where sittings of the Board are to be held in a municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose. *New.*

adjourn-
ment and
interim
orders

(8) The Board may adjourn any proceeding from time to time and may make interim orders pending the final disposition of the matter before it. R.S.O. 1960, c. 271, s. 14 (4), *amended.*

Terms and
conditions
of orders

16. The Board in making an order may impose such terms and conditions as it deems proper, and an order may be general or particular in its application. R.S.O. 1960, c. 271, s. 14 (5).

17.—(1) Where an application has been opposed, the Board shall prepare written reasons for its decision. Reasons for decision

(2) Where an application has been unopposed, the Board may, and at the request of the applicant shall, prepare written reasons for its decision. Idem

(3) All written reasons of the Board shall be kept by the secretary or an assistant secretary and made available to any person upon payment of the prescribed fee. R.S.O. 1960, c. 271, s. 14 (6), *amended*. Idem

18. An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order. R.S.O. 1960, c. 271, s. 16. Obedience to orders of Board a good defence

19.—(1) Subject to the regulations, the Board may make orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas. R.S.O. 1960, c. 271, s. 17 (1). Rates

(2) Notwithstanding anything to the contrary, the Board may dispense with the determination of a rate base, Where rate base may be dispensed with

(a) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;

(b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

(c) in the case of an order under subsection 8 of section 15 or subsection 5 of this section. 1961-62, c. 91, s. 1 (1).

(3) Subject to the regulations, no transmitter, distributor or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board, which is not bound by the terms of any contract entered into prior to the day upon which this Act comes into force. R.S.O. 1960, c. 271, s. 17 (2). Prohibition as to sale, etc., of gas

(4) Subject to subsection 6, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant. Burden of proof

Interim
rate orders

(5) The Board may, at the request of any applicant, without a hearing, make one or more orders under subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

- (a) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;
- (b) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;
- (c) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;
- (d) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or
- (e) where the application does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.

Idem

(6) The Board of its own motion may, and upon the request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and shall, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be. 1961-62, c. 91, s. 1 (2), *amended*.

Where
section does
not apply
R.S.O. 1960
c. 335

(7) This section does not apply to any municipality or municipal public utility commission transmitting or distributing gas under *The Public Utilities Act*. *New*.

Prohibition

20. No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under section 21 or its predecessor. 1961-62, c. 40, s. 2 (4), *amended*.

21.—(1) The Board by order may authorize a person to inject gas into, store gas in and remove gas from a designated gas storage area, and to enter into and upon the land in the area and use the land for such purposes. R.S.O. 1960, c. 271, s. 19 (1), *amended*. Authority to store

(2) Subject to any agreement with respect thereto, the person authorized by an order under subsection 1, Right to compensation

(a) shall make to the owners of any gas or oil rights or of any right to store gas in the area fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and

(b) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order. R.S.O. 1960, c. 271, s. 19 (2).

(3) No action or other proceeding lies in respect of such compensation, and, failing agreement, the amount thereof shall be determined by a board of arbitration in the manner prescribed in the regulations, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 271, s. 19 (3), *amended*. Recovery of compensation

(4) An appeal lies to the Ontario Municipal Board from an award of the board of arbitration. Appeal

(5) Notice of an appeal under subsection 4 shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. Notice of appeal

(6) The hearing of an appeal under subsection 4 shall be a hearing *de novo*, and *The Ontario Municipal Board Act* applies thereto. Nature of appeal

(7) An appeal within the meaning of section 95 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case that section applies. R.R.O. 1960, Reg. 459, s. 5 (5-8), *amended*. Further appeal

(8) For the purposes of subsection 3 of section 10 of *The Expropriation Procedures Act, 1962-63*, this section shall be deemed to be section 19 of *The Ontario Energy Board Act* referred to therein. *New*. Determination of compensation

Allocation
of surplus
storage
facilities

22.—(1) Upon the application of a transmitter or distributor, the board, by order, may direct a storage company having storage capacity and facilities that are not in full use to provide all or part of such storage capacity and facilities for the applicant upon such terms and conditions as are determined by the Board.

Gas storage
agreements
to be
approved

(2) No storage company shall on or after the day on which this Act comes into force enter into any agreement or renew any agreement with a transmitter or distributor with respect to the storage of gas unless,

- (a) the parties to the agreement or renewal;
- (b) the period for which the agreement or renewal is to be in operation; and
- (c) the storage that is the subject of the agreement or renewal,

have first been approved by the Board with or without a hearing. *New.*

Applications
to drill
well to be
referred to
Board

23. The Minister shall refer every application for a permit to bore, drill or deepen a well in a designated gas storage area to the Board, and the Board shall report to the Minister thereon, but, where the applicant does not have authority to store gas in the area or where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New.*

Allocation
of market
demand and
joining
interests
in spacing
units and
pools

24. The Board by order may,

- (a) allocate a just and equitable share of the market demands for gas or oil to the several sources from which such gas or oil is produced and to the several interests within a field or pool;
- (b) require the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation; or
- (c) require and regulate the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation. *New.*

25. Subject to *The Public Utilities Act* and to *The Energy Act, 1964*, and in the absence of an agreement to the contrary between the parties affected, no transmitter shall voluntarily discontinue transmitting gas to a distributor without the leave of the Board, and no distributor shall voluntarily discontinue distributing gas by pipe line to a consumer without the leave of the Board. R.S.O. 1960, c. 271, s. 21, *amended*.

26. The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1964*. R.S.O. 1960, c. 271, s. 20.

27. Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure. R.S.O. 1960, c. 271, s. 22.

28.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

(3) The Board may prescribe a scale under which such costs shall be taxed.

(4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board. R.S.O. 1960, c. 271, s. 23.

29.—(1) A certified copy of any order made by the Board, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. R.S.O. 1960, c. 271, s. 15 (1), *amended*.

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 30.

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person as costs or otherwise may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order.

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against

the goods of the person named in the order, and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order, that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment of the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles, and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court. R.S.O. 1960, c. 271, s. 15 (2-6).

Power to review

30. The Board may at any time and from time to time rehear or review any application before deciding it, and may by order rescind or vary any order made by it. R.S.O. 1960, c. 271, s. 24, *amended*.

Stated case

31.—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon. R.S.O. 1960, c. 271, s. 26.

Appeal to Court of Appeal

32.—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

Board may be heard

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board to act on Court's opinion

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect.

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and make rules of practice respecting such appeals, but, until such rules are made, the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(6) Every order made under section 19 takes effect at the time prescribed in the order, and its operation is not suspended by an appeal. R.S.O. 1960, c. 271, s. 27. Order to take effect notwithstanding appeal

33.—(1) Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, Lieutenant Governor in Council may confirm, vary or rescind orders

(a) confirm, vary or rescind the whole or any part of such order or decision; or

(b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section. R.S.O. 1960, c. 271, s. 25, *amended*.

(2) For the purposes of this section, the date of every order heretofore made by the Board shall be deemed to be the date this Act comes into force. *New*. Orders of Board heretofore made

34.—(1) Every person who contravenes any provision of this Act or the regulations or any order of the Board is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$2,000 for each day over which the offence continues or to imprisonment for a term of not more than two years less a day, or to both. Offences

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38, *amended*. Permission of the Minister

35.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(a)

- (a) limiting, restricting or taking away any rights to use or consume gas without charge or at a reduced rate;
- (b) requiring the Board to approve or fix rates or other charges under section 19;
- (c) providing for compensation procedure for the owners of gas or oil rights and the rights to store gas and for the owners of land who are referred to in subsection 2 of section 21;
- (d) prescribing the duties of the secretary, assistant secretary and officers of the Board;
- (e) prescribing forms and providing for their use;
- (f) prescribing fees payable to the Board;
- (g) requiring and providing for the making of returns, statements or reports concerning energy by any person;
- (h) prescribing classes of gas transmitters, distributors and storage companies;
- (i) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept;
- (j) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;
- (k) upon the recommendation of the Board, designating any area as a gas storage area;
- (l) exempting any person from the operation of or compliance with any provision of this Act;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 271, s. 28, *amended*.

Gas storage
areas

(2) An application for a regulation designating a gas storage area shall be made to the Board, which shall hold a hearing thereon and make its recommendation to the Lieutenant Governor in Council. *New*.

References

36. The Lieutenant Governor in Council may require the Board to examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing. R.S.O. 1960, c. 271, s. 28, cl. (j), *amended*.

PART II

PIPE LINES

37.—(1) No person shall construct a transmission line^{Leave to construct a transmission line} without first obtaining from the Board an order granting leave to construct the transmission line. R.S.O. 1960, c. 122, s. 11, *amended*.

(2) The Board may, if in its opinion the special circumstances of a particular case so require, without a hearing^{Exception} exempt a person from the requirements of subsection 1. *New*.

38. Any person may, before he constructs a production line, distribution line or station, apply to the Board for an order granting leave to construct the production line, distribution line or station. *New*.^{Leave to construct in other cases}

39.—(1) An applicant for an order granting leave to construct a transmission line, production line, distribution line or a station shall file with his application a map showing the general location of the proposed line or station and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed line is to pass.^{Route map}

(2) Notice of the application shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs. R.S.O. 1960, c. 122, s. 12 (1, 2), *amended*.^{Notice of application}

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based.^{Objections}

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection. R.S.O. 1960, c. 122, s. 12 (3, 4).^{Reply}

(5) Where an application is opposed, it shall not be heard for at least thirty days after the day on which it was filed with the Board.^{Hearing}

(6) Where an application is unopposed, it shall not be heard for at least fourteen days after the day on which it was filed with the Board. R.S.O. 1960, c. 122, s. 12 (5), *amended*.^{Idem}

Notice of
hearing

(7) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2.

Power to
grant leave

(8) Where after the hearing the Board is of the opinion that the construction of the proposed line or station is in the public interest, it may make an order granting leave to construct the line or station.

Agreements

(9) Leave to construct the line or station shall not be granted until the applicant satisfies the Board that it has offered or will offer to each landowner an agreement in a form approved by the Board.

Right to
enter land

(10) Any person to whom the Board has granted leave to construct a line or station, his officers, employees and agents, may enter into or upon any land at the intended location of any part of the line or station and may make such surveys and examinations as are necessary for fixing the site of the line or station, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 41. R.S.O. 1960, c. 122, s. 12 (6-8, 10), *amended*.

Expropria-
tion

40.—(1) Any person who has leave to construct a line or station under this Part or a predecessor of this Part may apply to the Board for authority to expropriate land for the purposes of the line or station, and the Board shall thereupon set a date for the hearing of such application, and such date shall be not fewer than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. R.S.O. 1960, c. 122, s. 13 (1), *amended*.

Procedure

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board directs.

Power to
make order

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. R.S.O. 1960, c. 122, s. 13 (2, 3).

1962-63,
c. 43, to
apply

(4) Any person who is authorized under this section to expropriate land, and who desires so to do, shall do so in the manner set out in *The Expropriation Procedures Act, 1962-63*, and that Act applies to every such expropriation. *New*.

Compensa-
tion

41.—(1) The applicant shall make to the owner of land acquired by expropriation under this Part, or any predecessor of this Part, due compensation for the land and for any damages resulting from the exercise of such power.

(2) No action or other proceeding lies in respect of such compensation, and, failing agreement between the applicant and the owner, the amount thereof shall be determined in the manner provided in this section, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 122, s. 14 (1, 2), amended. ^{Determination of amount R.S.O. 1960, c. 18}

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation. ^{Board of arbitration}

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman. ^{Chairman}

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of arbitration, and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section. ^{Procedure}

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members fails to agree upon any matter, the decision of the chairman upon such matter is the decision of the board. ^{Decision}

(7) An appeal lies to the Ontario Municipal Board from an award of the board of arbitration. ^{Appeal}

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. ^{Notice of appeal}

(9) The hearing of an appeal under this section shall be a hearing *de novo*, and *The Ontario Municipal Board Act* applies thereto. ^{Nature of appeal R.S.O. 1960, c. 274}

(10) An appeal within the meaning of section 95 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case that section applies. R.S.O. 1960, c. 122, s. 14 (3-10). ^{Further appeal}

(11) For the purposes of subsection 2 of section 10 of *The Expropriation Procedures Act, 1962-63*, ^{Determination of compensation 1962-63, c. 43}

(a) an applicant under this Part shall be deemed to be a corporation; and

(b)

- (b) this section shall be deemed to be section 14 of *The Energy Act*, being chapter 122 of the Revised Statutes of Ontario, 1960. *New.*

Crossings
with leave

42.—(1) Any person who has leave to construct a line may apply to the Board for authority to construct it upon, under or over a highway, utility line or ditch.

Procedure

(2) The procedure set forth in subsections 1 and 2 of section 40 applies *mutatis mutandis* to an application under this section.

Order

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the applicant so to do upon such terms and conditions as it considers proper. R.S.O. 1960, c. 122, s. 15, *amended*.

Right to
compensa-
tion for
damages
during
construction

43. Any person who has acquired land for the purposes of his line or station by agreement with the owner of the land shall make to the owner of the land due compensation for any damages resulting from the exercise of his rights under the agreement, and, if the compensation is not agreed upon by them, it shall be determined in the manner prescribed by section 41. R.S.O. 1960, c. 122, s. 16, *amended*.

Right of
entry and
compensa-
tion

44. Any person, his servants or agents, who,

- (a) require at any time to enter upon any land to gain access to his right of way established under this Part, or a predecessor thereof, for the purpose of maintaining, repairing, renewing or removing his line or part of it;
- (b) require at any time to enter upon any land to gain access directly to his pipe line or any part thereof for the purpose of effecting emergency repairs to his pipe line,

have the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by such person and the owner of the land, shall be determined in the manner prescribed by section 41. R.S.O. 1960, c. 122, s. 17, *amended*.

Board's
decision
final

45. The decision of the Board on any application to it under this Part is final and conclusive. R.S.O. 1960, c. 122, s. 18.

46. Where leave to construct a line has been granted under this Part, section 58 of *The Public Utilities Act* does not apply to such line. R.S.O. 1960, c. 122, s. 19 (2). ^{Where R.S.O. 1960, c. 335, s. 58 not to apply}

47.—(1) One or more inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Part. ^{Inspectors 1961-62, c. 121}

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors. R.S.O. 1960, c. 122, s. 20. ^{Idem}

PART III

ENERGY RETURNS OFFICER

48.—(1) There may be appointed under *The Public Service Act, 1961-62* an officer known as the Energy Returns Officer who shall assist the Board. R.S.O. 1960, c. 271, s. 29 (1), ^{Energy Returns Officer 1961-62, c. 121} *amended.*

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary. ^{Staff}

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duties. ^{Information privileged}

(4) Neither the Energy Returns Officer nor any of his staff is personally liable for anything done by him under the authority of this Act or the regulations. ^{No personal liability}

(5) The Energy Returns Officer and every deputy officer has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 29 (2-4, 6). ^{May take oaths}

49. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity. R.S.O. 1960, c. 271, s. 30. ^{Assistance}

50. The Energy Returns Officer may for the purposes of this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors ^{Production of documents, etc.}

or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as is stipulated in such letter. R.S.O. 1960, c. 271, s. 31.

Power to
enter, etc.

51. When authorized in writing by the chairman of the Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit, either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such document or record, provided that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing. R.S.O. 1960, c. 271, s. 32.

Notifying
Board

52. The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings. R.S.O. 1960, c. 271, s. 34.

Witnesses

53.—(1) The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 51 and any inspector may be called as a witness by the Board. R.S.O. 1960, c. 271, s. 35 (1), *amended*.

No privilege

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

Owner to
be party

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the

maker

maker of the return is a party to that proceeding or an associate of a party to that proceeding. R.S.O. 1960, c. 271, s. 35 (2, 3).

54.—(1) All information and material furnished to or received or obtained by the Energy Returns Officer, his deputy officers and employees or any person authorized by the chairman of the Board in writing under section 51 is confidential. ^{Information confidential}

(2) No person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of any such material. ^{Idem}

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1960, c. 271, s. 36. ^{Offence}

(4) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38 (2), *amended*. ^{Permission of the Minister}

55. No document, record or photocopy thereof or any return made under this Part is admissible in evidence in any proceeding except proceedings respecting an order of the Board or in summary proceedings with respect to offences under section 34. R.S.O. 1960, c. 271, s. 37, *amended*. ^{Not evidence in certain proceedings}

PART IV

MISCELLANEOUS AND TRANSITIONAL

56.—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails. ^{Conflict}

(2) This Act and the regulations prevail over any by-law passed by a municipality. ^{Idem}

57.—(1) Every order and decision made under, ^{Existing orders adopted}

(a) *The Fuel Supply Act*, being chapter 152 of the Revised Statutes of Ontario, 1950;

(b) *The Natural Gas Conservation Act*, being chapter 251 of the Revised Statutes of Ontario, 1950;

(c) *The Well Drillers Act*, being chapter 423 of the Revised Statutes of Ontario, 1950;

(d)

1954, c. 63

(d) *The Ontario Fuel Board Act, 1954;*

1960, c. 75

(e) *The Ontario Energy Board Act, 1960;* or(f) *The Ontario Energy Board Act*, being chapter 271 of the Revised Statutes of Ontario, 1960,

that were in force on the day this Act came into force shall be deemed to have been made by the Board under this Act.

Applications
pending
before
Ontario
Fuel Board

(2) Every application that was pending before the Ontario Fuel Board on the 31st day of August, 1960, shall be deemed to be an application before the Ontario Energy Board under this Act. R.S.O. 1960, c. 271, s. 40 (1, 2), *amended*.

References
to Ontario
Fuel Board

(3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to the Ontario Energy Board. R.S.O. 1960, c. 271, s. 40 (3).

R.S.O. 1960,
c. 271;
1960-61,
c. 64;
1961-62,
c. 91,
repealed

58. *The Ontario Energy Board Act, The Ontario Energy Board Amendment Act, 1960-61 and The Ontario Energy Board Amendment Act, 1961-62* are repealed.

Commence-
ment

59. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

60. This Act may be cited as *The Ontario Energy Board Act, 1964*.

CHAPTER 75

**An Act to amend
The Ontario Food Terminal Act**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Ontario Food Terminal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 272, s. 15,
amended

(2) Where an offence under subsection 1 is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner, is liable to the fine provided under subsection 1 and the owner of the motor vehicle is also liable to the fine provided under subsection 1 unless at the time the offence was committed the driver was in the possession of the motor vehicle without the owner's consent. Motor
vehicle
owner and
driver
liable for
penalties

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Food Terminal Amendment Act, 1964*. Short title

CHAPTER 76

**An Act to incorporate
the Ontario Housing Corporation**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Ontario Housing Corporation;
- (c) "Minister" means the Minister of Economics and Development or such other member of the Executive Council as the Lieutenant Governor in Council may designate.

2.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of "Ontario Housing Corporation", consisting of not fewer than seven and not more than eleven members appointed by the Lieutenant Governor in Council.

Ontario
Housing
Corporation

(2) The Corporation shall have a seal which shall be adopted by resolution or by-law.

Seal

(3) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Fiscal
year

(4) *The Corporations Act* does not apply to the Corporation.

Application
of R.S.O.
1960, c. 71

3.—(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Board of
Directors

Remuneration

(2) The Corporation may pay those of its members as are not officers in the public service of Ontario such remuneration and expense allowance as are from time to time fixed by the Lieutenant Governor in Council.

Quorum

(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

By-laws

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Management

4. The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Staff

1961-62,
c. 121

5. Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary from time to time for the proper conduct of the business of the Corporation.

Powers of Corporation

6.—(1) The Corporation, with the approval of the Lieutenant Governor in Council, may make any loan, grant, guarantee or advance that may be made by the Lieutenant Governor in Council or the Minister under sections 2 and 3 of *The Housing Development Act*.

R.S.O. 1960,
c. 182

Power of Corporation to enter into agreements

(2) The Corporation, with the approval of the Lieutenant Governor in Council, may enter into any agreement that Her Majesty in right of Ontario or the Minister is authorized to enter into under *The Housing Development Act*.

Rights and obligations of Minister under agreements to be rights and obligations of Corporation

(3) All rights of the Minister or of Her Majesty in right of Ontario under any agreement heretofore or hereafter entered into by the Minister under *The Housing Development Act* are hereby vested in the Corporation, and all obligations of the Minister or of Her Majesty in right of Ontario under any such agreement hereby become obligations of the Corporation.

Power to acquire property

(4) The Corporation may acquire and hold real property and dispose of such property from time to time.

Title to real property vested in Corporation

(5) All right, title and interest of Her Majesty in right of Ontario or of the Minister in any real property acquired under *The Housing Development Act* that are vested in Her Majesty or the Minister when this Act comes into force are hereby vested in the Corporation.

7. The Corporation, in addition to its other powers, shall be deemed to be a corporation constituted under subsection 2 of section 6 of *The Housing Development Act*.

Corporation
to be
management
corporation
R.S.O. 1960,
c. 182

8.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may deem requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

Borrowing
powers

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Board may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Board may determine.

(2) The purposes of the Corporation, without limiting the generality thereof, include,

Payment of
loans and
indebtedness

- (a) the carrying out of the powers of the Corporation mentioned in sections 6 and 7;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation; and
- (c) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Sale, etc.,
of Corpora-
tion's
securities

(4) A recital or declaration in any resolution or minute of the Board, authorizing the issue and sale of debentures, bills or notes of the Corporation, to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized, is conclusive evidence to that effect.

Author-
ization

Sealing,
signing,
etc.

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation, and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation.

Mechanical
reproduction
of seal and
signature
authorized

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note, and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Securities
of Cor-
poration
redeemable
in advance

(7) Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Board may determine at the time of the issue thereof.

Lost
debentures

(8) Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the Board may provide for its replacement on such terms as to evidence and as to indemnity as the Board may require.

Guarantee
of payment
by Province

9.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

10.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario, Sale of Corporation's securities to Province and provincial advances to Corporation authorized

(a) to purchase any debentures, bills or notes of the Corporation; and

(b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

(2) The moneys required for the purposes of subsection 1 Idem shall be paid out of the Consolidated Revenue Fund.

11. Notwithstanding anything in any other Act, debentures issued by the Corporation and guaranteed by the Province are at all times a lawful investment for municipal, school and trust funds. Trustees, etc., investments in debentures

12. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister. Audit

13. The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

15. This Act may be cited as *The Ontario Housing Corporation Act, 1964*. Short title

CHAPTER 77

**An Act to amend
The Ontario Hurricane Relief Fund Act, 1955**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Hurricane Relief Fund Act*, ^{1955, c. 55,}
1955 is amended by adding thereto the following subsection: ^{s. 1,} amended

(2a) Notwithstanding subsection 2 and the agreement ^{Dependent} entered into thereunder, the amount of assistance and relief for dependent children shall be the sum of \$40 per month effective from the 1st day of July, 1963, and the said assistance and relief shall be paid to such dependent children until they reach the age of sixteen years, but, where in the opinion of the Workmen's Compensation Board the furnishing of further or better education to a dependent child appears advisable, the Board in its discretion may on application extend the period for which assistance and relief shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Ontario Hurricane Relief* ^{Short title}
Fund Amendment Act, 1964.

CHAPTER 78

**An Act to establish
the Ontario Law Reform Commission**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) A commission to be known as the "Ontario Law ^{Ontario Law Reform Commission established} Reform Commission" is hereby constituted.

(2) The Commission shall be composed of three or more ^{Composition} members appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may designate ^{Chairman} one of the members as chairman.

(4) The Lieutenant Governor in Council may fix the ^{Remuneration} remuneration of the members of the Commission.

(5) The Commission may engage a secretary and such ^{Employees} other persons as are deemed necessary and provide for the payment of their remuneration and expenses out of such moneys as are appropriated therefor by the Legislature.

2.—(1) It is the function of the Commission to inquire ^{Functions} into and consider any matter relating to,

(a) reform of the law having regard to the statute law, the common law and judicial decisions;

(b) the administration of justice;

(c) judicial and quasi-judicial procedures under any Act;
or

(d) any subject referred to it by the Attorney General.

(2) The Commission may institute and direct legal research ^{Research} for the purpose of carrying out its functions.

Report

(3) The Commission shall report from time to time to the Attorney General.

Expenses
of admin-
istration

3. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1965, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Law Reform Commission Act, 1964*.

CHAPTER 79

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$125,000,000. Loans up to \$125,000,000 authorized R.S.O. 1960, c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1964*.

CHAPTER 80

An Act to amend The Ontario Mental Health Foundation Act, 1960-61

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Mental Health Foundation Act, 1960-61* is ^{1960-61,} amended by inserting immediately preceding section 1 the ^{c. 67,} amended following heading:

PART I

THE ONTARIO MENTAL HEALTH FOUNDATION

2. *The Ontario Mental Health Foundation Act, 1960-61* is ^{1960-61,} amended by adding thereto the following section: ^{c. 67,} amended

9a. The real and personal property, business and income ^{Exemption} of the Foundation is not subject to taxation for ^{from} municipal or provincial purposes. ^{taxation}

3. *The Ontario Mental Health Foundation Act, 1960-61* is ^{1960-61,} amended by adding thereto the following Part: ^{c. 67,} amended

PART II

THE DR. C. K. CLARKE INSTITUTE OF PSYCHIATRY

12a. There is hereby established a corporation to be known ^{Clarke} as The Dr. C. K. Clarke Institute of Psychiatry, ^{Institute} herein referred to as "the Institute".

12b.—(1) The Institute shall consist of not fewer than ^{Members} seven and not more than twelve persons to be appointed by the Lieutenant Governor in Council, of whom two shall be appointed upon the recommendation of the Minister of Health and at least two shall be members of the Foundation, and the

remainder

remainder shall be appointed from among a list of persons nominated by the Foundation.

**Term of
office**

- (2) A member of the Institute shall hold office for three years and is eligible for reappointment for a second term of three years, but a member other than the chairman is not eligible for reappointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement.

Vacancies

- (3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute, in accordance with the method of appointment prescribed by subsection 1.

Quorum

- 12c. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business.

Chairman

- 12d. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute.

**Advisory
medical
board**

- 12e.—(1) Subject to the approval of the Lieutenant Governor in Council, the Institute may appoint an advisory medical board.

Idem

- (2) Members of the advisory medical board of the Foundation are eligible to be appointed members of the advisory medical board of the Institute.

Object

- 12f. The object of the Institute is to maintain, manage and operate a hospital with facilities for psychiatric research, diagnosis and treatment.

Agreements

- 12g.—(1) Subject to the approval of the Foundation, the Institute may enter into agreement with any university for providing teaching and research facilities for that university in the hospital maintained and operated under this Act.

Idem

- (2) The Institute may make agreements with the Foundation, universities, medical associations, hospitals and persons for the purpose of carrying out the objects of the Institute.

**Director
and staff**

- 12h. The Institute may employ a director and such staff as may from time to time be required for the purposes of the hospital and may pay such director and staff such remuneration as it deems proper out of its funds.

12i. Subject to the approval of the Foundation, the ^{By-law, etc.} Institute may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs.

12j.—(1) The funds of the Institute consist of moneys ^{Funds} received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper.

(2) The Institute shall annually prepare and submit to ^{Estimates} the Foundation the estimates of the moneys required for its purposes during the ensuing fiscal year.

12k. The real and personal property, business and income ^{Exemption from taxation} of the Institute are not subject to taxation for municipal or provincial purposes.

12l. The members of the Institute and its advisory ^{Expenses} medical board may be paid such amounts for travelling and other expenses incurred in the work of the Institute as the Institute determines from time to time.

12m. The accounts of the Institute shall be audited ^{Audit} annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints.

12n.—(1) The Institute shall after the close of each fiscal ^{Annual report} year make a report upon its affairs during the preceding year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year.

(2) The Minister of Health shall submit the report to ^{Idem} the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

4. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

5. This Act may be cited as *The Ontario Mental Health* ^{Short title} *Foundation Amendment Act, 1964*.

CHAPTER 81

**An Act to amend
The Ontario Municipal Board Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 274, s. 5,
amended

(3) A member of the Board shall be paid such salary as is fixed by the Lieutenant Governor in Council. Salary

(4) The salaries and travelling expenses of members of the Board are payable out of such sums as are appropriated therefor by the Legislature. How
payable

(5) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to members of the Board. Application
of 1961-62,
c. 121

(6) Part I of *The Public Service Superannuation Act* applies and shall be deemed always to have applied to members of the Board. Application
of
R.S.O. 1960,
c. 332

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1964*. Short title

CHAPTER 82

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62*Assented to, except section 1 (3), May 8th, 1964**Section 1 (3) assented to March 25th, 1964**Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by inserting after “employer” in the second line “and includes a district assessor and any person employed by him”, so that the clause shall read as follows:

(*e*) “employee” means any person who is employed by an employer, and includes a district assessor and any person employed by him, but does not include any person who contributes to a pension plan under *The Teachers’ Superannuation Act, The Power Commission Insurance Act* or *The Public Service Superannuation Act*. R.S.O. 1960, c. 97, s. 1, cl. 392, 301, 332

(2) Clause *f* of the said section 1 is amended by striking out “or local board” and inserting in lieu thereof “local board or district assessor”, so that the clause shall read as follows:

(*f*) “employer” means a municipality, local board or district assessor.

(3) Clause *h* of the said section 1 is amended by adding at the end thereof “and the Board”, so that the clause shall read as follows:

(*h*) “local board” means a local board as defined in *The Department of Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board. R.S.O. 1960, c. 98

1961-62,
c. 97,
amended

2. *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by adding thereto the following section:

Agreements
to manage
other funds

15a. The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to manage and administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such management and administration from such plan or fund.

Commence-
ment

3.—(1) This Act, except subsection 3 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 3 of section 1 shall be deemed to have come into force on the 18th day of April, 1962.

Short title

4. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1964*.

CHAPTER 83

**An Act to amend The Ontario
Northland Transportation Commission Act**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Ontario Northland Transportation Commission Act* is amended by adding thereto the following sub-sections: R.S.O. 1960,
c. 276, s. 2,
amended

(3) The Lieutenant Governor in Council may authorize ^{Seal} a seal for the Commission.

(4) The seal may be reproduced by engraving, litho-graphing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. Mechanical
reproduction
of seal

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent. ment

3. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1964*. Short title

CHAPTER 84

An Act to amend The Ontario-St. Lawrence
Development Commission Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, amended

THE ST. LAWRENCE PARKS COMMISSION ACT

2. Clause *a* of section 1 of *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 1, cl. *a*, re-enacted

(a) "Commission" means The St. Lawrence Parks Commission.

3. Subsection 1 of section 2 of *The Ontario-St. Lawrence Development Commission Act*, as re-enacted by section 1 of *The Ontario-St. Lawrence Development Commission Amendment Act, 1962-63*, is amended by inserting after "continued" in the second line "under the name 'The St. Lawrence Parks Commission' ", so that the subsection shall read as follows: R.S.O. 1960, c. 279, s. 2, subs. 1 (1962-63, c. 98, s. 1), amended

(1) The Ontario-St. Lawrence Development Commission is continued under the name "The St. Lawrence Parks Commission" as a corporation without share capital, and shall be composed of not fewer than three and not more than fifteen members appointed by the Lieutenant Governor in Council. Commission continued

4. Any reference in any Act to The Ontario-St. Lawrence Development Commission shall hereafter be deemed to be a reference to The St. Lawrence Parks Commission. Reference to Commission

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1964.*

CHAPTER 85

An Act to incorporate The Ontario Universities Capital Aid Corporation

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Ontario Universities Capital Aid Corporation;
- (b) "university" means a university in Ontario designated under this Act by the Minister of University Affairs.

2. The Minister of University Affairs shall designate the ^{Application of Act} universities to which this Act applies.

3.—(1) There is hereby established on behalf of Her ^{Corporation established} Majesty in right of Ontario a corporation without share capital under the name of "The Ontario Universities Capital Aid Corporation" consisting of not fewer than three and not more than five members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate ^{Chairman} one member of the Corporation to be chairman and one member to be vice-chairman of the Corporation.

(3) The Corporation shall have a seal which shall be adopted ^{Seal} by resolution.

(4) A majority of the members of the Corporation con- ^{Quorum} stitutes a quorum.

(5) *The Corporations Act* does not apply to the Corporation. ^{Application of R.S.O. 1960, c. 71}

4. The object of the Corporation is to purchase from uni- ^{Object} versities bonds or debentures issued by them for capital con-

struction

struction projects that have been approved by the Minister of University Affairs.

Management

5.—(1) Subject to the regulations made under this Act, the affairs of the Corporation are under the management and control of the members for the time being of the Corporation, and the chairman shall preside at all meetings of the Corporation and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.

Administration

(2) The Corporation shall be assisted in the administration of its affairs by such officers and other employees in the public service of Ontario as the Treasurer of Ontario may assign for the purpose.

Borrowing powers

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may deem requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Corporation may determine.

Purposes of Corporation

(2) The purposes of the Corporation, without limiting the generality thereof, include,

- (a) the carrying out of the object of the Corporation mentioned in section 4;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any

securities

securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and

- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof, and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security. Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purpose of the Corporation in the amount authorized is conclusive evidence to that effect. Authorization

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation, and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation. Sealing, signing, etc.

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. Mechanical reproduction of seal and signature authorized

7. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. Securities of Corporation redeemable in advance

8. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the Corporation may provide for its replacement on such terms as to evidence and as to indemnity as the Corporation may require. Lost debentures

Guarantee
of payment
by Province

9.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or any temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

Trustees,
etc., invest-
ments in
debentures

10. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds.

Purchase of
university
debentures
1964, c. 24

11. The Corporation, with the approval of the Lieutenant Governor in Council and subject to section 5 of *The Department of University Affairs Act, 1964* and to the regulations made under this Act, may from time to time purchase from any university bonds or debentures issued by the university for capital construction projects approved by the Minister of University Affairs.

Sale, etc.,
of university
debentures
purchased by
Corporation

12. The Corporation may, with the approval of the Treasurer of Ontario and subject to the regulations made under this Act, sell, hypothecate or otherwise dispose of any debentures purchased by the Corporation under the authority of this Act.

Audit

13. The books and accounts of the Corporation shall be audited annually by the Provincial Auditor, and he shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session or, if not, at the next ensuing session.

14.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario, Sale of Corporation's securities to Province and provincial advances to Corporation authorized

- (a) to purchase any debentures, bills or notes of the Corporation; and
- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

(2) The moneys required for the purposes of subsection 1 Idem shall be paid out of the Consolidated Revenue Fund.

15. The Lieutenant Governor in Council may make regulations governing, Regulations

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the arrangements that the Corporation may make for the purchase of debentures of universities, and the purchase of such debentures;
- (c) the mode in which universities may apply to the Corporation for its purchase of their debentures and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed in regard to the purchase by the Corporation of debentures of universities;
- (e) the consideration and granting by the Corporation of applications for its purchase of debentures of universities;
- (f) the sale, hypothecation or other disposition by the Corporation of any debentures of universities purchased by the Corporation;
- (g) any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

16. The Treasurer of Ontario shall administer this Act Administration of Act and the regulations made under this Act.

17. This Act comes into force on the day it receives Royal Assent. Commencement

18. This Act may be cited as *The Ontario Universities Capital Aid Corporation Act, 1964.* Short title

CHAPTER 86

An Act to amend The Ontario Water Resources Commission Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Ontario Water Resources Commission Act*, as amended by section 1 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is further amended by striking out "payments made by the Commission under subsection 3 of section 10 and" in the amendment of 1960-61, so that the clause shall read as follows:

R.S.O. 1960,
c. 281, s. 1,
cl. *g*,
amended

- (*g*) "cost" in relation to a project means the cost thereof as determined by the Commission and includes interest during construction and such engineering fees and other charges and expenses in connection with construction as the Commission may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Commission as the Commission in its discretion may allocate to the project.

2. Subsection 2 of section 18 of *The Ontario Water Resources Commission Act* is amended by inserting after "lay" in the third line "maintain, repair, alter or replace", so that the subsection shall read as follows:

R.S.O. 1960,
c. 281, s. 18,
subs. 2,
amended

- (2) The Commission and its employees and agents may for its purposes, without consent and without compensation, lay, maintain, repair, alter or replace such pipes and appurtenances thereto as it deems necessary in, upon, through, over and under any highway or road under the jurisdiction and control of any public authority.

Right to
lay and
maintain
pipes under
roads

3. Subsections 3, 4 and 5 of section 26 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 26,
subs. 3,
re-enacted;
subs. 4, 5,
repealed

Injunction
to prevent
pollution
of water

- (3) Where any person is discharging or depositing or causing or permitting the discharge or deposit of any material of any kind into or in or near any well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse that, in the opinion of the Commission, may impair the quality of the water in such well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse, the Commission may apply *ex parte* to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited for an order prohibiting such discharge or deposit for such period and on such terms and conditions as the judge deems proper.

R.S.O. 1960,
c. 281, s. 28
(1962-63,
c. 99, s. 3),
subs. 1,
cls. a, b,
re-enacted

4.—(1) Clauses *a* and *b* of subsection 1 of section 28 of *The Ontario Water Resources Commission Act*, as re-enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, are repealed and the following substituted therefor:

- (a) wherein no person shall swim or bathe; or
- (b) wherein no material of any kind that may impair the quality of water therein shall be placed, deposited, discharged or allowed to remain; or
- (c) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply.

R.S.O. 1960,
c. 281, s. 28
(1962-63,
c. 99, s. 3),
subs. 2,
cls. a, b,
re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 28 are repealed and the following substituted therefor:

- (a) who swims or bathes within an area defined under clause *a* of subsection 1; or
- (b) who places, deposits, discharges or allows to remain within an area defined under clause *b* of subsection 1 any material of any kind that may impair the quality of the water therein; or
- (c) who does any act or takes water within an area defined under clause *c* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
subs. 2, cl. a,
re-enacted

5.—(1) Clause *a* of subsection 2 of section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment*

Act, 1960-61 and amended by subsection 1 of section 4 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (a) by means of a well or wells that are constructed or deepened after this section comes into force; or

(2) The said section 28a is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
amended

- (2a) Notwithstanding any general or special Act or any regulation or order made thereunder, where the taking of water for any purpose, other than the taking of water by any person except a municipality or company public utility for use for ordinary household purposes or for the watering of live stock or poultry and other than the taking of water by any person for fire fighting, interferes, in the opinion of the Commission, with any public or private interest in any water, the Commission may, by notice served on or sent by registered mail to the person who is taking or is responsible for the taking of water that so interferes, prohibit the person from so taking water without a permit issued by the Commission.

Where
taking of
water
interferes
with other
person's
interest in
water

(3) Subsection 5 of the said section 28a, as enacted by subsection 2 of section 6 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and amended by subsection 2 of section 4 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 28a,
subs. 5
(1961-62,
c. 99, s. 6,
subs. 2),
re-enacted

- (5) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of the Commission, with any public or private interest in any water, the Commission may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Commission directs.

Flowing or
leaking of
water from
well, etc.,
regulated

Offences

(6) Every person who contravenes,

(a) subsection 2 or 2a; or

(b) a notice served on him or received by him or on his behalf under subsection 2a or 5; or

(c) any of the terms and conditions of a permit issued by the Commission,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues.

R.S.O. 1960,
c. 281,
amended

6. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Drilling and
boring of
wells, etc.,
prohibited
in certain
areas

28c.—(1) No person shall make a well or hole in the ground for the purpose of obtaining water, except by digging, in any area designated by the regulations made under this Act, without a permit issued by the Commission.

Permit

(2) The Commission may in its discretion issue, refuse to issue, or cancel a permit, may impose such terms and conditions in issuing a permit as it deems proper and may alter the terms and conditions of a permit after it is issued.

Offence

(3) Every person who contravenes subsection 1 or any of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

R.S.O. 1960,
c. 281, s. 30,
amended

7. Section 30 of *The Ontario Water Resources Commission Act*, as amended by section 8 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is further amended by adding thereto the following subsections:

Offence

(1a) Every municipality that or person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

.

Offence

(3a) Every person, except a municipality, who,

(a) fails to comply with any direction or order given or made by the Commission under subsection 2; or

(b)

- (b) contravenes any of the terms and conditions of the approval granted by the Commission under subsection 3,

is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default or contravention continues.

.

- (5a) Every person, except a municipality, who fails to comply with any direction given by the Commission under subsection 5 is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues.

8. Section 31 of *The Ontario Water Resources Commission Act*, as amended by section 9 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is further amended by adding thereto the following subsections:

R.S.O. 1960,
c. 281, s. 31,
amended

- (1a) Every municipality that or person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

.

- (3a) Every person, except a municipality, who,
 - (a) fails to comply with any direction or order given or made by the Commission under subsection 2; or
 - (b) contravenes any of the terms and conditions of the approval granted by the Commission under subsection 3,

Offence

is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default or contravention continues.

9. Section 37 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 281, s. 37,
amended

- (2) Every person, except a municipality, who fails to comply with any direction given by the Commission under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues.

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

10.—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is further amended by adding thereto the following clauses:

- (ha) requiring and regulating the storage and treatment of sewage in boats and ships or any class or classes thereof and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
- (hb) regulating and controlling, for the purpose of preventing or reducing the pollution of any body of water or watercourse, places or any class or classes thereof located on or adjacent to any body of water or watercourse where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;
- (hc) defining sewage for the purposes of regulations made under clauses *ha* and *hb*;
- (hd) designating areas within which wells or holes may not be made for the purpose of obtaining water, except by digging, without a permit issued by the Commission.

R.S.O. 1960,
c. 281, s. 47,
subs. 4
(1962-63,
c. 99, s. 7,
subs. 2),
repealed

(2) Subsection 4 of the said section 47, as enacted by subsection 2 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 281,
amended

11. *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections:

Proceedings
to enforce
provisions
of Act and
regulations

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act may be instituted within one year after the time when the subject-matter of the proceedings arose.

Enforcing
performance
of things
required to
be done by
Commission

53. Where the Commission has authority to direct or require that any matter or thing be done, the Commission may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in

doing

doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person.

54. Where any provision of this Act or any regulation made thereunder or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Commission under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Commission. ^{Power to restrain by action}

12. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

13. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1964*. ^{Short title}

CHAPTER 87

An Act to amend The Penal and Reform Institutions Inspection Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Penal and Reform Institutions Inspection Act* is amended by striking out "an industrial refuge under *The Female Refuges Act*" in the fourth and fifth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 291, s. 1,
cl. *c*,
amended

(*c*) "penal and reform institution" means a reformatory under *The Reformatories Act*, The Andrew Mercer Ontario Reformatory under *The Andrew Mercer Reformatory Act*, an industrial farm under *The Industrial Farms Act* and a jail or lock-up under *The Municipal Act* or under *The Jails Act*, and includes any other prison, reformatory, industrial farm, jail or other institution or place for confinement or detention of prisoners and other persons charged with or convicted of any offence against the laws of Canada or Ontario, with respect to which by any general or special Act of Canada or Ontario this Act is made applicable. R.S.O. 1960,
cc. 347, 15,
185, 249, 195

2.—(1) Section 5 of *The Penal and Reform Institutions Inspection Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows: R.S.O. 1960,
c. 291, s. 5,
amended

(1) Subject to subsection 2, no by-law, rule or regulation of a municipality relating to a jail or lock-up established or maintained by it has force or shall take effect until approved by the Minister. Municipal
regulations
for jails

(2) The said section 5 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 291, s. 5,
amended

Approvals
excepted

(2) Subsection 1 does not apply to by-laws respecting the appointment or conditions of employment of a jail surgeon or jail employee or, subject to subsection 2 of section 358 of *The Municipal Act*, of a jailer.

R.S.O. 1960,
c. 249

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Penal and Reform Institutions Inspection Amendment Act, 1964*.

CHAPTER 88

**An Act to amend
The Pension Benefits Act, 1962-63**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Clause *b* of section 1 of *The Pension Benefits Act, 1962-63* is repealed. 1962-63,
c. 103, s. 1,
cl. *b*,
repealed
- (2) Clause *d* of the said section 1 is repealed and the following substituted therefor: 1962-63,
c. 103, s. 1,
cl. *d*,
re-enacted
- (*d*) “employer” means, in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business in Ontario from whom the employee receives his remuneration, and includes Her Majesty in right of Ontario, an agent of Her Majesty or a municipality as defined in *The Department of Municipal Affairs Act*. R.S.O. 1960,
c. 98
- (3) Clause *f* of the said section 1 is repealed. 1962-63,
c. 103, s. 1,
cl. *f*,
repealed
- (4) Clause *h* of the said section 1 is repealed and the following substituted therefor: 1962-63,
c. 103, s. 1,
cl. *h*,
re-enacted
- (*h*) “pension benefit” means the aggregate annual, monthly or other periodic amounts to which an employee will become entitled upon retirement under a pension plan, and “pension benefit credit” means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an employee has become irrevocably entitled.
- (5) Clause *n* of the said section 1 is repealed. 1962-63,
c. 103, s. 1,
cl. *n*,
repealed
- (6) Clause *p* of the said section 1 is repealed. 1962-63,
c. 103, s. 1,
cl. *p*,
repealed

1962-63,
c. 103,
ss. 14, 15,
re-enacted

2. Sections 14 and 15 of *The Pension Benefits Act, 1962-63* are repealed and the following substituted therefor:

Registration
of pension
plans
established
before
Jan. 1, 1964

14.—(1) Every employer of employees covered by a pension plan established before the 1st day of January, 1964, shall,

- (a) on or before the 1st day of January, 1964, file with the Commission an information return in the prescribed form in respect of every pension plan administered by or on behalf of the employer or the employees at any time on or after the 1st day of January, 1961, together, in the case of an employer of fifteen or more employees, with a copy of every such pension plan;
- (b) file a copy of every pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and
- (c) on and after the 1st day of January, 1965, while the pension plan remains in force, maintain its qualification for registration as required by sections 18 and 19.

Pension
plans
established
on or after
Jan. 1, 1964

(2) Every employer who establishes a pension plan for employees on or after the 1st day of January, 1964, shall,

- (a) file a copy of the pension plan with the Commission for registration on or before the 1st day of January, 1965, or within sixty days after the establishment thereof; and
- (b) on and after the 1st day of January, 1965, while the plan is in force, maintain its qualification for registration as required by sections 18 and 19.

Combining
plans

(3) For the purpose of this section, a pension plan may form part of a profit-sharing plan or part of a deferred profit-sharing pension plan.

Annual
returns

(4) Commencing in the year 1966, every employer of employees covered by a pension plan shall file with the Commission annually an information return in the form prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the employees.

15. The Commission shall accept for registration and issue its certificate in respect of each pension plan filed for registration under subsection 1 or 2 of section 14 that in the opinion of the Commission is a plan organized and administered in accordance with sections 18 and 19. Acceptance of plans for registration

3. Section 17 of *The Pension Benefits Act, 1962-63* is repealed. 1962-63, c. 103, s. 17, repealed

4. Section 18 of *The Pension Benefits Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 103, s. 18, re-enacted

- 18.—(1) A pension plan filed for registration as required by subsection 1 or 2 of section 14 shall provide that, Vesting and locking in requirement for pension plans

(a) a member of the plan who has attained the age of forty-five years and who has been an employee of the employer for a continuous period of ten years is entitled, upon termination of his employment prior to his attaining retirement age, to a deferred life annuity equal to the portion of the pension benefits provided,

(i) under the terms of the plan in respect of service on or after the 1st day of January, 1965,

(ii) by an amendment to the terms of the plan made on or after the 1st day of January, 1965, or

(iii) by the creation of a new pension plan on or after the 1st day of January, 1965;

(b) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are for the employee's own use and benefit and are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred annuity capable of being assigned or otherwise alienated;

(c) the deferred life annuity prescribed by this section is not capable of surrender or commutation and does not confer upon any employee,

personal

personal representative or dependant, or any other person, any right or interest in the deferred annuity capable of being surrendered and commuted; and

- (d) upon termination of his employment, a member of the plan who has attained the age of forty-five years and who has been an employee of the employer for a continuous period of ten years and who is entitled to a deferred life annuity under clause *a* is not entitled to withdraw any part of the contributions he has been required to make to or under the plan on or after the 1st day of January, 1965, and such contributions shall be applied under the terms of the plan for the provision of a deferred life annuity as part of or as supplementary to the annuity, if any, required to be provided to the employee under clause *a*.

Idem

- (2) Notwithstanding subsection 1, a pension plan may provide for vesting or locking in at an earlier age than forty-five years or upon service for less than ten years, or for both.

Exception

- (3) Notwithstanding subsection 1, where a pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum, upon termination of employment prior to retirement, an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by this section.

Transfer
of con-
tributions

- (4) Where an employee terminates his employment and is required by the terms of a pension plan to withdraw all or part of the contributions made by him, the employee may direct that his contributions be transferred to the Central Pension Agency or to a pension plan of which he becomes a member upon entering into new employment if that plan so permits.

Transfer
of pension
benefit
credit

- (5) The Superintendent may require the transfer of the pension benefit credit necessary to provide the deferred life annuity to which an employee is entitled under subsection 1 to the Central Pension Agency or to the pension plan of which such employee becomes a member upon entering new employment or may require the former employer of an employee to enter into a contractual undertaking to pay or to purchase the annuity prescribed by subsection 1 upon the attainment of retirement age by the employee.

5. Section 19 of *The Pension Benefits Act, 1962-63* is ^{1962-63, c. 103, s. 19, amended} amended by striking out “and” at the end of clause *a* and by striking out clause *b* and inserting in lieu thereof the following:

- (b) a written explanation to each member of the terms and conditions of the pension plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the pension plan; and
- (c) investment of pension fund moneys in the securities and loans prescribed by the regulations.

6.—(1) Clause *c* of section 20 of *The Pension Benefits Act, 1962-63* is repealed and the following substituted therefor: ^{1962-63, c. 103, s. 20, cl. c, re-enacted}

- (c) prescribing the classes of investments and loans, both qualitative and quantitative, in which pension fund moneys heretofore or hereafter accumulated may be invested, and governing the making of such investments and loans.

(2) Clause *f* of the said section 20 is amended by striking out “eligible” in the sixth line, so that the clause shall read ^{1962-63, c. 103, s. 20, cl. f, amended} as follows:

- (f) prescribing the conditions under which pension benefit credits may be retained by the administrator, insurer or trustee of a pension plan, or transferred to the administrator, insurer or trustee of another pension plan upon termination of employment of an employee.

7. Subsection 3 of section 22 of *The Pension Benefits Act, 1962-63* is amended by striking out “eligible” in the fourth ^{1962-63, c. 103, s. 22, subs. 3, amended} line, so that the subsection shall read as follows:

- (3) The fines recovered for offences against this Act shall ^{Disposition of fines} be paid to the Commission, and fines imposed under subsection 1 may be paid by the Commission to the Central Pension Agency for the credit of the employees of the payer.

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

9. This Act may be cited as *The Pension Benefits Amendment Act, 1964*. ^{Short title}

CHAPTER 89

An Act to amend The Pharmacy Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Pharmacy Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 295, s. 1,
amended

(da) "interne" means an apprentice who is registered under section 19.

2.—(1) Subsection 1 of section 7 of *The Pharmacy Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 295, s. 7,
subs. 1,
re-enacted

(1) An election of members of the Council to be elected shall be held on the first Wednesday in August in every second year following the last preceding election, and, Election of
members of
Council

(a) one member of the Council shall be elected from each electoral division from among those entitled to vote; and

(b) one member of the Council shall be elected from among those members of the College who are practising in hospitals operated under *The Public Hospitals Act*. R.S.O. 1960,
c. 322

(2) Subsection 2 of the said section 7 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960,
c. 295, s. 7,
subs. 2,
amended

(d) if he is employed in a hospital operated under *The Public Hospitals Act*, may vote only for a member to be elected from among members so employed.

3. Subsection 1 of section 19 of *The Pharmacy Act* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960,
c. 295, s. 19,
subs. 1,
amended

(c)

- (c) a register of all persons registered under this Act as internes showing their places of employment from time to time and the name and business address of the pharmaceutical chemist to whom each is apprenticed.

R.S.O. 1960,
c. 295,
amended

4. *The Pharmacy Act* is amended by adding thereto the following section:

Registra-
tion of
apprentices
as internes

19a. Every apprentice who,

- (a) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto or such other degree by such university of learning as the regulations prescribe; and
- (b) has served as an apprentice for such term and in accordance with such conditions as the regulations prescribe,

upon making application therefor, shall be registered as an interne.

R.S.O. 1960,
c. 295, s. 24,
amended

5.—(1) Section 24 of *The Pharmacy Act* is amended by adding thereto the following clause:

- (aa) prescribing the length of the term of apprenticeship and other requirements for registration as internes.

R.S.O. 1960,
c. 295, s. 24,
cl. b,
amended

(2) Clause *b* of the said section 24 is amended by inserting after “apprentices” in the first line “and internes”, so that the clause shall read as follows:

- (b) providing for the registration of apprentices and internes and prescribing the fees therefor.

R.S.O. 1960,
c. 295,
amended

6. *The Pharmacy Act* is amended by adding thereto the following section:

Operation of
pharmacies

28a. The Council, with the approval of the Lieutenant Governor in Council, may make regulations prescribing standards for the maintenance and operation of pharmacies including the space, equipment and facilities required therefor.

R.S.O. 1960,
c. 295, s. 37,
amended

7. Section 37 of *The Pharmacy Act* is amended by adding thereto the following subsection:

- (2) No person or corporation shall keep open or operate ^{Idem} a pharmacy unless the space, equipment and facilities comply with the regulations.

8. Subsection 2 of section 38 of *The Pharmacy Act* is ^{R.S.O. 1960,} amended by adding at the end thereof "or to an interne", so ^{c. 295, s. 38,} that the subsection shall read as follows: ^{subs. 2,} ^{amended}

- (2) Clauses *b* and *c* of subsection 1 do not apply to an ^{Apprentices,} apprentice registered under this Act when acting ^{internes} under the supervision of a pharmaceutical chemist or to an interne.

9.—(1) This Act, except sections 6 and 7, comes into force ^{Commence-} on the day it receives Royal Assent. ^{ment}

- (2) Sections 6 and 7 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.

10. This Act may be cited as *The Pharmacy Amendment* ^{Short title} *Act, 1964.*

CHAPTER 90

An Act to amend The Planning Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of subsection 1 of section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960.
c. 296, s. 26
(1960-61,
c. 76, s. 1,
subs. 1),
subs. 1,
cl. *e*,
re-enacted

- (*e*) the consent,
 - (i) of the committee of adjustment of the municipality under subsection 2*a* of section 32*b*, unless the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, or
 - (ii) where there is no committee of adjustment or where the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

(2) Clause *c* of subsection 3 of the said section 26 is repealed and the following substituted therefor:

R.S.O. 1960.
c. 296, s. 26
(1960-61,
c. 76, s. 1,
subs. 1),
subs. 3,
cl. *c*,
re-enacted

- (*c*) the consent,
 - (i) of the committee of adjustment of the municipality under subsection 2*a* of section 32*b*, unless the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, or
 - (ii)

(ii)

- (ii) where there is no committee of adjustment or where the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

R.S.O. 1960,
c. 296, s. 26,
subs. 3*a*
(1962-63,
c. 105, s. 6),
amended

(3) Subsection 3*a* of the said section 26, as enacted by section 6 of *The Planning Amendment Act, 1962-63*, is amended by striking out "hereafter granted under subsection 1 or 3" in the first and second lines and inserting in lieu thereof "mentioned in subsection 1 or 3 hereafter granted", so that the subsection shall read as follows:

Consent to
lapse after
six months

- (3*a*) Any consent mentioned in subsection 1 or 3 hereafter granted shall lapse at the expiration of six months after the date upon which the consent was granted unless within such period the land in respect of which the consent was granted was sold, mortgaged or charged or an agreement was entered into for the sale or purchase of such land or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.

R.S.O. 1960,
c. 296, s. 26
(1960-61,
c. 76, s. 1,
subs. 1),
subs. 13,
re-enacted;
subs. 14,
repealed

(4) Subsections 13 and 14 of the said section 26 are repealed and the following substituted therefor:

Matters to
be regarded
by Minister
in determin-
ing consent
and
conditions

- (13) The Minister, in determining whether a consent is to be given under this section, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same power to impose conditions to a consent as he has to an approval of a plan of subdivision under subsection 5 of section 28 and may require that any or all of such conditions be fulfilled prior to the granting of a consent.

R.S.O. 1960,
c. 296, s. 27,
amended

2. Section 27 of *The Planning Act* is amended by adding thereto the following subsection:

Power of
Minister to
allow minor
variances

- (1*a*) Where an order has been made under clause *a* of subsection 1, the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has in respect of a by-law implementing an official plan or passed under section 30 as provided in subsections 1 and 2 of section 32*b*, but the provisions of subsections 3 to 18 of section 32*b* do not apply to the exercise by the Minister of such powers.

3. Clause *a* of subsection 3 of section 30 of *The Planning Act* is amended by striking out "section 17" in the second line and inserting in lieu thereof "section 32*a*".

R.S.O. 1960,
c. 296, s. 30,
subs. 3,
cl. a,
amended

4. *The Planning Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 296,
amended

30*a*.—(1) In this section,

Interpre-
tation

- (*a*) "committee" means a housing standards committee established under this Act;
 - (*b*) "residential property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment.
- (2) If an official plan that includes provisions relating to housing conditions is in effect in a municipality, the council of the municipality may pass a by-law,
- Standards of
maintenance
and
occupancy
- (*a*) for prescribing standards for the maintenance and occupancy of residential property within the municipality or within any defined area or areas and for prohibiting the use of such residential property that does not conform to the standards;
 - (*b*) for requiring residential property below the standards prescribed in the by-law to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings or structures and left in a graded and levelled condition.
- (3) A by-law passed under this section is not enforce-
- Notice
- able with respect to a residential property until notice has been sent by registered mail to or served on the assessed owner and all persons shown by the records of the registry office or the land titles office and the sheriff's office to have an interest in such residential property and upon the occupant thereof, if any, stating that the residential property does not comply with the standards prescribed in the by-law and that repairs are required to be made thereto, giving reasonable particulars of the repairs required to be made, or that the land must be cleared and left in a graded and levelled condition and stating the

time within which such repairs are to be made or such clearing is to be done, which shall be not less than six months, and that, if such repair or clearance is not so done, the municipality may carry out the repair or clearance at the expense of the owner.

Approval of
O.M.B.

- (4) No part of any by-law passed under this section comes into force without the approval of the Municipal Board.

Repeal or
amendment

- (5) No part of any by-law that repeals or amends a by-law passed under this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 6, comes into force without the approval of the Municipal Board.

Appeal

- (6) Where an application to the council of a municipality for an amendment to a by-law passed under this section is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board, and the Municipal Board shall hear the appeal and dismiss it or direct that the by-law be amended in accordance with its order.

Housing
standards
committee

- (7) Every by-law passed under this section shall provide for the establishment of a housing standards committee of three ratepayers of the municipality who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Chairman

- (8) The council of the municipality in making appointments to the committee shall designate the chairman and vice-chairman of the committee and shall make provision for a secretary for the committee, and the chairman, or in his absence the vice-chairman, may administer oaths.

Quorum
and
procedure

- (9) Two members of the committee constitute a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive notice.

- (10) Upon the application of a registered owner of a residential property who is the sole occupant thereof, either by himself or with the immediate members of his family, the committee may grant an extension of not more than one year from the end of the time specified in a notice given under subsection 3 within which the repairs are to be made or the clearing is to be done, provided that no extension shall be granted unless the committee is of the opinion that a refusal of the application would result in undue hardship.

Extension
of time for
complying
with notice

- (11) Not more than two extensions may be granted under subsection 10 in respect of any residential property.

Limitation

- (12) When a by-law passed under this section is in effect, such municipal officer as is assigned the responsibility of administering and enforcing the by-law may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any residential property to which the by-law applies.

Inspection

5. Paragraph 6 of subsection 1 of section 31 of *The Planning Act* is amended by striking out "*The Boilers and Pressure Vessels Act*" in the second line and inserting in lieu thereof "*The Boilers and Pressure Vessels Act, 1962-63*".

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 6
amended

6.—(1) Section 32b of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 32b
(1961-62,
c. 104, s. 8),
amended

- (2a) In addition to its powers under subsections 1 and 2, the committee, upon the application of the owner of any land affected by a by-law passed under section 26 or a predecessor of such section or any person authorized in writing by such owner, may, notwithstanding any other Act, consent to a conveyance, mortgage, charge or agreement that is not authorized under subsection 1 or 3 of section 26, provided that the committee is satisfied that a plan of subdivision of the land described in the application approved under section 28 is not necessary for the proper and orderly development of the municipality.

Consent to
conveyance
of land in
area of
subdivision
control

(2) Subsection 9 of the said section 32b is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 32b
(1961-62,
c. 104, s. 8)
subs. 9,
re-enacted

Conditions
in decision

- (9) Any authority or permission granted by the committee under subsections 1 and 2 may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision.

R.S.O. 1960,
c. 296, s. 32b
(1961-62,
c. 104, s. 8),
amended

- (3) The said section 32b is further amended by adding thereto the following subsection:

Matters to
be regarded
by com-
mittee in
determining
consent and
conditions

- (9a) The committee, in determining whether a consent is to be given under subsection 2a, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same power to impose conditions to a consent as the Minister has to an approval of a plan of subdivision under subsection 5 of section 28, and may require that any or all of such conditions be fulfilled prior to the granting of a consent, and, in imposing a condition under subsection 5 of section 28, the reference to the Minister in such subsection 5 shall be deemed to be a reference to the committee.

R.S.O. 1960,
c. 296, s. 32b
(1961-62,
c. 104, s. 8),
subs. 11,
par. 4,
amended

- (4) Paragraph 4 of subsection 11 of the said section 32b is amended by striking out "clause b of" in the second line.

Commence-
ment

- 7.—(1) This Act, except sections 1 and 6, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1 and 6 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Planning Amendment Act, 1964*.

CHAPTER 91

An Act to amend The Plant Diseases Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Plant Diseases Act* ^{R.S.O. 1960, c. 297, s. 5, subs. 1, amended} is amended by adding at the end thereof “and may provide for the control or eradication of any disease of plants that is not designated a plant disease in the regulations”, so that the subsection shall read as follows:

(1) The council of any municipality may, and upon ^{Municipal by-laws} receipt of a petition signed by at least twenty-five ratepayers of a township or county, the council of the township or county shall, appoint one or more municipal inspectors to enforce this Act and the regulations in the municipality with respect to any plant disease designated in the by-law, and the by-law shall fix the remuneration to be paid to any such inspector or inspectors and may provide for the control or eradication of any disease of plants that is not designated a plant disease in the regulations.

(2) Subsection 3 of the said section 5 is repealed and the ^{R.S.O. 1960, c. 297, s. 5, subs. 3, re-enacted} following substituted therefor:

(3) Every municipal inspector has all the powers of an ^{Powers and duties} inspector and shall carry out in the municipality the provisions of this Act, any by-law made under subsection 1 and the regulations under the direction of the Provincial Entomologist.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The Plant Diseases Amendment* ^{Short title} *Act, 1964.*

CHAPTER 92

An Act to amend The Police Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Police Act*, as amended by section 1 of R.S.O. 1960, c. 298, s. 1, *The Police Amendment Act, 1961-62*, is further amended by amended adding thereto the following clause:

(ba) "Commission" means the Ontario Police Commission.

2. Subsection 2 of section 2 of *The Police Act* is amended R.S.O. 1960, c. 298, s. 2, by inserting after "Council" in the fifth line "upon the subs. 2, recommendation of the Attorney General", so that the subsection shall read as follows: amended

- (2) Every village and township which, or any part of in villages and townships which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant Governor in Council upon the recommendation of the Attorney General is, with regard to the municipality or part thereof, as the case may be, responsible for the policing and maintenance of law and order and for providing and maintaining an adequate police force in accordance with the police needs of the municipality or part thereof.

3. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960, c. 298, amended

3a.—(1) The obligation of a municipality to provide Methods of establishing municipal police forces and maintain a police force may be discharged,

- (a) by the appointment of the members of the police force by the board of commissioners of police under section 14;

(b)

(b) by the appointment of the members of the police force by the council under section 19; or

(c) by entering into an agreement under section 52 or 53,

and not otherwise.

Municipality
to provide
own policing

(2) Members appointed under clause *a* or *b* of subsection 1 shall be paid directly by the municipal council of the municipality for which they are appointed.

Exceptions
with
approval of
Commission

(3) In exceptional cases, the Commission may approve of a system of policing that does not comply with this section.

R.S.O. 1960,
c. 298, s. 4
(1961-62,
c. 105, s. 2),
amended

4. Section 4 of *The Police Act*, as re-enacted by section 2 of *The Police Amendment Act, 1961-62*, is amended by striking out "Ontario Police" in the first line and by striking out "take such action as it deems necessary" in the fifth and sixth lines and inserting in lieu thereof "request the Commissioner", so that the section shall read as follows:

Failure
to provide
police

4. Where the Commission finds that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 52 or 53, the Commission may request the Commissioner to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 5
(1961-62,
c. 105, s. 2),
subs. 1,
re-enacted

5.—(1) Subsection 1 of section 5 of *The Police Act*, as re-enacted by section 2 of *The Police Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Failure to
provide
adequate
policing or
to comply
with Act or
regulations

(1) Where the Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not providing or maintaining an adequate police force or not complying with this Act or the regulations, it may communicate with the clerk of the municipality indicating that the police force is not adequate or that the provisions of this Act or the regulations

are

are not being complied with and requesting the council of the municipality to take such steps as the Commission deems necessary.

(2) Subsection 2 of the said section 5 is amended by striking out "Ontario Police" in the second line and by striking out "take such action as it deems necessary" in the third line and inserting in lieu thereof "request the Commissioner", so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 5
(1961-62,
c. 105, s. 2),
subs. 2,
amended

(2) Where the council neglects to comply with a request made under subsection 1, the Commission may request the Commissioner to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

Action by
Commis-
sioner

6. Subsection 3 of section 7 of *The Police Act* is amended by striking out "two" in the seventh line and inserting in lieu thereof "six", so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 7,
subs. 3,
amended

(3) Where a vacancy occurs on the board by reason of the death of a member designated by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other judge or person, as the case may be, to act as a member of the board for a period of six months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member.

Vacancies

7. Section 13 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 13,
re-enacted

13. Subject to section 39*b*, the police force in a municipality having a board shall consist of a chief constable and as many constables and other police officers and such assistants as the board deems necessary, but, where the council does not agree with the board on the number of members of a police force necessary under subsection 1, the Commission shall determine the question after a hearing.

Composition
of police
force

8.—(1) Subsection 1 of section 27 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 27
subs. 1,
re-enacted

Bargaining

- (1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality, or, where there is a board, the board, shall within sixty days after receipt of the request bargain in good faith with a bargaining committee of the members of the police force, and shall make every reasonable effort to come to an agreement for the purpose of making an agreement in writing defining, determining and providing for remuneration, pensions, sick leave credit gratuities, grievance procedures or working conditions of the members of the police force, other than the chief constable and any deputy chief constable, except such working conditions as are governed by a regulation made by the Lieutenant Governor in Council under this Act.

R.S.O. 1960,
c. 298, s. 27,
amended

- (2) The said section 27 is amended by adding thereto the following subsection:

Counsel

- (3a) In addition to the person mentioned in subsection 3, a bargaining committee may be accompanied by one legal or other counsel.

R.S.O. 1960,
c. 298, s. 31,
re-enacted

- 9.** Section 31 of *The Police Act* is repealed and the following substituted therefor:

Extension
of period
mentioned
in ss. 27-30
or 32

31. Any period mentioned in section 27, 28, 29, 30 or 32 may be extended by agreement of the parties.

R.S.O. 1960,
c. 298, s. 32,
subs. 2,
re-enacted

- 10.**—(1) Subsection 2 of section 32 of *The Police Act* is repealed and the following substituted therefor:

Where no
arbitration
provision

- (2) Where the agreement does not contain a provision as mentioned in subsection 1 and a difference arises between the parties relating to any matter mentioned in subsection 1, either of the parties may notify the other party in writing of its desire to submit the difference or allegation to arbitration, and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

R.S.O. 1960,
c. 298, s. 32,
amended

- (2) The said section 32 is amended by adding thereto the following subsection:

- (3) Each party to an arbitration under subsection 2 ^{Costs} shall share equally the cost of the arbitration proceedings and the cost of the arbitrator.

11. Section 35 of *The Police Act*, as amended by section 2 ^{R.S.O. 1960, c. 298, s. 35, amended} of *The Police Amendment Act, 1962-63*, is further amended by striking out "after the 30th day of November in any year and before the 1st day of December in the year next following" in the second and third lines and inserting in lieu thereof "during a year ending with the 31st day of December" and by striking out "the last-mentioned year" in the sixth line, so that the section shall read as follows:

35. Where a request in writing is made under subsection 1 ^{Provision for expenditure} of section 27 during a year ending with the 31st day of December and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following, the council shall make such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award.

12.—(1) Clause *d* of section 39*b* of *The Police Act*, as ^{R.S.O. 1960, c. 298, s. 39*b* (1962-63, c. 106, s. 4), cl. *d*, re-enacted} enacted by section 4 of *The Police Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (*d*) through its members and advisers, to conduct a system of visits to the police forces in Ontario.

(2) The said section 39*b* is amended by adding thereto the ^{R.S.O. 1960, c. 298, s. 39*b* (1962-63, c. 106, s. 4), amended} following clauses:

- (*ea*) to determine whether a police force is adequate and whether a municipality is discharging its responsibility for the maintenance of law and order;
- (*eb*) to inquire into any matter regarding the designation of a village or township under subsection 2 of section 2 and, after a hearing, to make recommendations therefor to the Attorney General.

13. Section 42 of *The Police Act* is repealed and the follow- ^{R.S.O. 1960, c. 298, s. 42, re-enacted} ing substituted therefor:

- 42.—(1) The Ontario Provincial Police Force shall con- ^{O.P.P.} sist of the Commissioner and such other officers and other ranks as are appointed.

- (2) There may be appointed such employees as are ^{Employees} required in connection with the Force.

Officers

(3) The Lieutenant Governor in Council may,

(a) appoint persons to be officers; and

(b) authorize the issue of a commission under the Great Seal to an officer upon his first appointment to the rank of an officer.

R.S.O. 1960,
c. 298, s. 45a
(1960-61,
c. 77, s. 1),
cl. a,
re-enacted

14. Clause *a* of section 45a of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1960-61*, is repealed and the following substituted therefor:

1962-63,
c. 41

(a) "emergency" means an emergency as defined in *The Emergency Measures Act, 1962-63*.

R.S.O. 1960,
c. 298, s. 45b
(1960-61,
c. 77, s. 1),
repealed

15. Section 45b of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 298, s. 48,
subs. 1a
(1961-62,
c. 105, s. 9,
subs. 2),
repealed

16. Subsection 1a of section 48 of *The Police Act*, as enacted by subsection 2 of section 9 of *The Police Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 298,
amended

17. *The Police Act* is amended by adding thereto the following sections:

Inquiries

48a.—(1) The Lieutenant Governor in Council may direct the Commission to inquire into and report to him upon any matter relating to,

(a) the extent, investigation or control of crime; or

(b) the enforcement of law,

and he shall define the scope of the inquiry in the direction.

Power to
summon
witnesses,
etc.

(2) For the purpose of an inquiry under this section, the Commission may summon any person and require him to give evidence on oath and to produce such documents and things as the Commission deems requisite.

Idem

(3) Subject to subsection 9, the Commission has all the powers to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as are vested in any court in civil cases.

Evidence
in private

(4) Upon the request or with the consent of a witness at an inquiry under this section, his evidence shall be taken in private.

(5) A witness under this section has,

Rights of
witnesses

(a) the right to retain and instruct counsel;

(b) the remedies by way of *habeas corpus*, certiorari, prohibition, mandamus and other extraordinary remedies;

(c) every protection available under *The Evidence Act* to a witness; and R.S.O. 1960,
c. 125

(d) all the rights of a witness in a civil court.

(6) Where the validity of a direction under subsection 1 or the jurisdiction of the Commission or the validity of any decision, order, direction or other act of the Commission is called into question by any person affected, the Commission, upon the request of such person, shall state a case in writing to the Court of Appeal setting forth the material facts. Stated
case

(7) If the Commission refuses to state a case, any person affected may apply to the Court of Appeal for an order directing the Commission to state a case, and, pending the decision of the stated case, no further proceedings shall be taken by the Commission. Idem

(8) Where evidence is taken in private under subsection 4, no person, without the consent of the Commission, shall knowingly disclose any evidence so taken or the name of any witness so examined, and every person who contravenes this subsection is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Disclosure
of evidence
taken in
private

(9) The Commission shall not exercise its power to penalize any person under this section unless, on the application of the Commission, a judge of a county or district court has certified, as such judge may, Application
to judge

(a) that the person is guilty as alleged by the Commission;

(b) the penalty therefor; and

(c) that the Commission may impose such penalty,

and the Commission has given such person forty-eight hours notice of the hearing of the application or such shorter notice as the judge deems reasonable.

Appeal

(10) An appeal lies from a certificate of a judge or an order of the Commission made under subsection 9 to the Court of Appeal, which may affirm, reverse or alter the certificate or order, and the provisions of *The Summary Convictions Act* as to appeals to the Court of Appeal apply *mutatis mutandis*, but such appeal is of right and is not restricted to a question of law alone.

R.S.O. 1960,
c. 387

Delegation
of powers

48b. The chairman of the Commission may authorize one or more members of the Commission to exercise the powers and perform the duties of the Commission under section 39b or 48a.

R.S.O. 1960,
c. 298, s. 51,
repealed

18. Section 51 of *The Police Act* is repealed.

R.S.O. 1960,
c. 298, s. 53,
subs. 1,
amended

19.—(1) Subsection 1 of section 53 of *The Police Act*, as amended by subsection 1 of section 11 of *The Police Amendment Act, 1961-62*, is further amended by striking out "Subject to the approval of the Attorney General, the Commission" in the first and second lines and in the amendment of 1961-62 and inserting in lieu thereof "The Attorney General", so that the subsection shall read as follows:

Agreement
for provin-
cial police
to police
municipal-
ities

(1) The Attorney General may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force.

R.S.O. 1960,
c. 298, s. 53,
subs. 3,
amended

(2) Subsection 3 of the said section 53, as amended by subsection 2 of section 11 of *The Police Amendment Act, 1961-62*, is further amended by striking out "Commission" in the amendment of 1961-62 and inserting in lieu thereof "Attorney General", so that the subsection shall read as follows:

Rates of
pay to be
considered

(3) No agreement shall be entered into under this section with a municipality at a cost that is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Attorney General such an agreement is sought for the purpose of defeating the collective bargaining provisions of this Act.

R.S.O. 1960,
c. 298, s. 53,
subs. 6,
amended

(3) Subsection 6 of the said section 53, as amended by subsection 3 of section 11 of *The Police Amendment Act, 1961-62*, is further amended by striking out "Commission" in the amendment of 1961-62 and inserting in lieu thereof "Attorney General", so that the subsection shall read as follows:

- (6) Where a municipality is entitled to receive fines or ^{Fines, etc.} the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Attorney General or with another municipality to furnish police services, such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality.

20. Section 54 of *The Police Act*, as amended by section 12 ^{R.S.O. 1960,} of *The Police Amendment Act, 1961-62*, is further amended ^{c. 298, s. 54,} by striking out "Commission" where it occurs the first and ^{amended} second times in the amendment of 1961-62 and inserting in lieu thereof in each instance "Attorney General", so that the section shall read as follows:

54. Where pursuant to section 53 the Attorney General ^{When board} enters into an agreement with a municipality having ^{to act in} a board, sections 13, 14, 15 and 16 do not apply, ^{advisory} but the board shall act in an advisory capacity to ^{capacity} the senior officer of the Ontario Provincial Police Force in the municipality and to the Attorney General with respect to the policing of the municipality.

21.—(1) Subsection 2 of section 58 of *The Police Act*, as ^{R.S.O. 1960,} re-enacted by section 13 of *The Police Amendment Act, 1961-62*, ^{c. 298, s. 58,} is amended by striking out "Ontario Police" in the fourth ^{subs. 2} line. ^{(1961-62,} ^{c. 105, s. 13),} ^{amended}

(2) Subsection 3 of the said section 58, as re-enacted by ^{R.S.O. 1960,} section 13 of *The Police Amendment Act, 1961-62*, is amended ^{c. 298, s. 58,} by striking out "Ontario Police" in the second line. ^{subs. 3} ^{(1961-62,} ^{c. 105, s. 13),} ^{amended}

22. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

23. This Act may be cited as *The Police Amendment Act*, ^{Short title} 1964.

CHAPTER 93

An Act to amend The Public Health Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 6 of *The Public Health Act*, R.S.O. 1960, c. 321, s. 6, par. 8, re-enacted as amended by subsection 1 of section 1 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor:

8. designating any substance, other than insulin, for insulin, etc. the control or treatment of diabetes and prescribing the terms and conditions upon which he may supply, or contribute towards the cost of supplying, free of charge to indigent persons under section 56 insulin or any designated substance, and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost.

(2) The said section 6 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 321, s. 6, amended

- 12a. requiring the vaccination, revaccination or quarantine of persons for the purposes of sections 61a and 61b and governing and regulating such vaccination, revaccination and quarantine, and classifying persons for the purposes thereof. vaccination

(3) Paragraph 35 of the said section 6, as amended by subsection 3 of section 1 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 6, par. 35, re-enacted

35. defining public swimming pools and governing and prohibiting the construction, alteration, repair, location, operation, maintenance and use of public swimming pools, and classifying public swimming swimming pools

pools

pools and exempting any class from the requirements of any provision of the regulations, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers in public swimming pools.

R.S.O. 1960,
c. 321, s. 20,
repealed

2. Section 20 of *The Public Health Act* is repealed.

R.S.O. 1960,
c. 321, s. 21,
subs. 1,
amended

3. Subsection 1 of section 21 of *The Public Health Act* is amended by inserting after "regulations" in the sixth line "or in carrying out its functions under any other Act or the regulations thereunder", so that the subsection shall read as follows:

Payment of
accounts
certified
by board

(1) The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out this Act or the regulations or in carrying out its functions under any other Act or the regulations thereunder, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

R.S.O. 1960,
c. 321, s. 34,
subs. 1,
re-enacted

4. Subsection 1 of section 34 of *The Public Health Act* is repealed and the following substituted therefor:

Appoint-
ment of
M.O.H.

(1) The council of every municipality shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be the medical officer of health for the municipality.

Appoint-
ment of
sanitary
inspectors

(1a) The council of every municipality shall appoint such number of sanitary inspectors for the municipality as are deemed necessary by the local board and as are prescribed by the regulations.

R.S.O. 1960,
c. 321, s. 35^a
(1962-63,
c. 113, s. 3),
amended

5. Section 35a of *The Public Health Act*, as enacted by section 3 of *The Public Health Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Idem

(5a) By-laws passed under the authority of subsection 5 shall be passed unanimously by the separated local board at a regular meeting or at a special meeting duly called for the purpose of considering such by-laws.

6. Subsection 2 of section 37 of *The Public Health Act* is amended by striking out "until he has attained the age of seventy-five years" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 321, s. 37,
subs. 2,
amended

- (2) Every medical officer of health shall cease to hold office upon attaining the age of seventy years, but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year. Age of
retirement
of M.O.H.

7. Section 56 of *The Public Health Act*, as amended by section 4 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 321, s. 56,
re-enacted

- 56.—(1) The Minister may supply, or contribute towards the cost of supplying, free of charge to indigent persons insulin or any designated substance for the control or treatment of diabetes upon such terms and conditions as the regulations prescribe. Supply of
insulin,
etc., to
indigents

- (2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost, not exceeding 25 per cent thereof, of supplying insulin or any substance for the control or treatment of diabetes designated by the regulations. Municipal
contribution to
cost

8. Subsection 2 of section 61 of *The Public Health Act* is amended by inserting after "the" in the second line "occurrence or", so that the subsection shall read as follows: R.S.O. 1960,
c. 321, s. 61,
subs. 2,
amended

- (2) The medical officer of health or local board, when it is considered necessary to prevent the occurrence or spread of a communicable disease, may direct that any school or seminary of learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality, be closed and may prohibit all public assemblies in the municipality, and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor be re-opened without the permission of the medical officer of health. Closing
schools,
churches,
etc.

9. *The Public Health Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 321,
amended

- 61a. Subject to the regulations, where smallpox is found or suspected to exist in a municipality or where there is a danger of the spread of smallpox from another Smallpox

jurisdiction or where persons in a municipality have been exposed to smallpox, the medical officer of health and the local board may require the vaccination, revaccination or quarantine of such persons or classes of persons as may be designated by the regulations.

Application
of s. 61a to
unorganized
territory

61b. The Lieutenant Governor in Council may designate that the provisions of section 61a shall apply *mutatis mutandis* to territory without municipal organization in such manner and under such conditions as may be prescribed by the regulations.

R.S.O. 1960,
c. 321, s. 81,
repealed

10. Section 81 of *The Public Health Act* is repealed.

R.S.O. 1960,
c. 321,
amended

11. *The Public Health Act* is amended by adding thereto the following section:

Public
swimming
pools,
regulating

122a. The board of health of a health unit or the council of a municipality that does not form part of a health unit may pass by-laws,

(a) for governing and regulating public swimming pools;

(b) for licensing public swimming pools and prescribing conditions therefor, including a fee for each licence, and for revoking such licences; and

(c) for prohibiting the use of public swimming pools unless licensed.

Commence-
ment

12.—(1) This Act, except subsections 1 and 2 of section 1 and sections 5, 7 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 and 2 of section 1 and sections 5, 7 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The Public Health Amendment Act, 1964*.

CHAPTER 94

An Act to amend The Public Hospitals Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 322,
amended

5a. The Commission may make loans to hospitals under such terms and conditions, in such amounts, in such manner and at such times as the regulations provide. Loans to
hospitals

2. Subsection 1 of section 35 of *The Public Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 322, s. 35,
subs. 1,
amended

(oa) providing for loans to hospitals under section 5a.

3. The moneys required for the purposes of this Act during the fiscal year 1964-65 shall be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Public Hospitals Amendment Act, 1964*. Short title

CHAPTER 95

An Act to amend The Public Schools Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 6 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 6,
subs. 5,
re-enacted

- (5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section.

Resident
pupil's right
to attend
more
accessible
school in
adjoining
school
section

2. *The Public Schools Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 330,
amended

- 9a.—(1) Where land, the use of which is restricted in any manner to school purposes, has been vested in a rural school board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it deems just.
- (2) Where restrictions are removed from land under subsection 1 and the board offers the land for sale, it

Application
for removal
of restric-
tions on
use of land

Sale of
lands

shall

shall first offer the land at a reasonable price to the owner or owners of land abutting on the land offered for sale.

R.S.O. 1960,
c. 330,
ss. 13-15,
re-enacted

3. Sections 13, 14 and 15 of *The Public Schools Act* are repealed and the following substituted therefor:

Consultative
committees

13.—(1) Every council of a county shall appoint a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee.

Duties of
committee

(2) The council of a county may direct the committee to report on petitions for the establishment or enlargement of county school areas and to obtain information and make recommendations in detail regarding,

(a) the desirability of establishing or enlarging county school areas comprising two or more municipalities or parts thereof; and

(b) any other matters affecting public school education in the county.

Information

(3) All public school boards having jurisdiction within the county shall, on the request of the consultative committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the county.

Committee
reports

(4) The reports and recommendations of the committee are not binding upon the Minister, the county council or any of the public school boards having jurisdiction in the county.

Expenses

(5) A county may reimburse the members of its consultative committee for their actual expenses of travelling on business of the committee.

Establish-
ment of
county
school areas

(6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the whole or any part of the county as a county school area.

Municipalities in
adjoining
counties

(7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area one or more municipalities in an adjoining county or counties if the council or councils

of the adjoining county or counties, by resolution, consent thereto within sixty days after the passing of the by-law.

- (8) A by-law passed under subsection 6 or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. ^{Effective date of by-laws}
- (9) When a by-law passed under subsection 6 comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area. ^{Dissolution of boards}
- (10) When a by-law passed under subsection 7 comes into force and the effect of the by-law is to attach one or more school sections to the county school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area. ^{Idem}
- (11) There shall be a board of public school trustees for every county school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office. ^{Board, election of trustees} ^{R.S.O. 1960, c. 362}
- (12) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the county school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 11. ^{Interpretation of majority}
- (13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)". ^{Name of board}
- (14) A board of a county school area has all the powers and shall exercise all of the duties of a township school area board. ^{Powers and duties}

Adjustment
of claims

- (15) The rights and claims between school sections included in or affected by the formation or enlargement of a county school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*.

Meeting of
representatives
of municipalities
and school
boards

- 14.—(1) In the area served by a secondary school in a territorial district, the provincial public school inspector for the majority of the municipalities in the area may call a meeting of representatives of the councils of the municipalities, in which pupils attending the school are resident, that have each a population of less than 15,000 and of the public school boards having jurisdiction in such area.

Consultative
committee

- (2) The representatives attending a meeting may elect a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee.

Information

- (3) All public school boards having jurisdiction within the area under consideration by the consultative committee shall, on the request of the committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the area under consideration.

Reports of
committee

- (4) The reports and recommendations of the committee are not binding upon the Minister, the councils or any of the public school boards having jurisdiction in the area under consideration.

Expenses

- (5) The Minister may reimburse the members of a committee elected under this section for their actual expenses of travelling on business of the committee.

Duties of
committee

- (6) The public school inspector may direct the committee to report on petitions for the establishment or enlargement of district school areas and to obtain information and to make recommendations in detail regarding,

(a) the desirability of establishing or enlarging district school areas comprising two or more municipalities or school sections or parts thereof; and

(b) any other matters affecting public school education in the areas.

- (7) On or before the 1st day of July in any year, the council of a municipality that is within the area in which the committee has recommended the establishment of a district school area and that is named by the committee may by by-law establish a district school area as recommended by the committee. Establishment of district school area
- (8) On or before the 1st day of July in any year, the council of a municipality that is in a district school area and that is named by the committee may by by-law enlarge the district school area as recommended by the committee. Enlargement of school areas
- (9) A by-law passed under subsection 7 or 8 shall, if approved by the councils of the municipalities concerned, by the public school boards entirely within territory without municipal organization that are affected and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-law
- (10) When a by-law passed under subsection 7 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area. Dissolution of boards
- (11) When a by-law passed under subsection 8 comes into force and the effect of the by-law is to attach one or more school sections to the district school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area. Idem
- (12) There shall be a board of public school trustees for every district school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office. Board

Interpre-
tation of
majority

- (13) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the district school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 12.

Name of
board

- (14) The board of a district school area is a corporation by the name of "The Public School Board of (*insert name of territorial district*) District School Area Number (*insert number in order of formation*)" or "The Public School Board of (*insert name of municipality in which secondary school is located*) District School Area" as is designated in the by-law establishing the school area.

Powers and
duties

- (15) A board of a district school area has all the powers and shall exercise all the duties of a township school area board.

Adjustment
of claims

- (16) The rights and claims between municipalities and school sections included in or affected by the formation or enlargement of a district school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*.

First
election of
trustees
where school
area formed
in year in
which elec-
tion not
normally
held in
municipality

15. Where a county or district school area is formed in any year and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of trustees, the council of each municipality shall provide for the election of trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

R.S.O. 1960,
c. 330, s. 18
(1961-62,
c. 120, s. 2),
subs. 4,
cl. a,
amended

4. Clause *a* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62*, is amended by inserting after "board" in the third line "except a planning board", so that the clause shall read as follows:

- (a) who is a member of any other elementary or secondary school board or of the council or local board, except a planning board, of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or local board, as the case may be.

5. Section 21 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 21, amended

- (11) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall provide for the drawing of lots to determine which of the candidates is elected. When tie vote

6. Section 40 of *The Public Schools Act*, as amended by section 9 of *The Public Schools Amendment Act, 1961-62* and section 5 of *The Public Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40, re-enacted

- 40.—(1) Subject to subsections 2 to 12 and sections 13 and 14, on and after the 1st day of January, 1965, every township shall be a township school area. All townships to be township school areas
- (2) Every union school section, except a union school section referred to in subsection 10, that is now in existence shall, on and after the 1st day of January, 1965, form part of the township school area in which the school of the union school section is located. Union school sections
- (3) A former union school section that now forms part of a township school area shall continue to form part of the township school area. Former union school sections in township school areas
- (4) Where a township school area of a township includes a part of another township, the council of either township may, by by-law passed before the 1st day of July in any year and approved by resolution of the other township before the 1st day of September in that year, detach such part and attach it to the township school area of the township of which it forms a part, and, where the other township neglects or refuses to give such approval, the council of the township that passed the by-law may appeal to the county council, and the county council shall dismiss the appeal or appoint a board of not more than three arbitrators who shall be neither ratepayers in the township school areas concerned nor members of the councils of the townships concerned, and such arbitrators shall determine of which township school area the part in question shall form part, and the decision of the majority of the arbitrators is final. Authority to detach part of township school area in another township
- (5) Where the part of a township school area of a township that is to be detached is situated in a county other than the county in which the township is Appeal where two or more counties

situated,

situated, the appeal may be made to the Minister, and the Minister has the same powers as the board of arbitration.

Time for
appeal

- (6) An appeal under subsection 4 or 5 may be made within twenty days after the date of the meeting at which the council refused to give its approval or on or before the 20th day of September where the council neglects to give its approval.

Effective
date of
by-laws

- (7) A by-law passed under subsection 4 comes into force on the 1st day of January after it is approved by the Minister.

Urban
municipality
in township
school area

- (8) Every urban municipality that formed part of a township school area on the 1st day of January, 1964, shall continue to form part of the township school area.

Idem

- (9) Every urban municipality that had a population of under 1,000 according to the municipal census for the year 1963 and every urban municipality that had an average daily attendance in the public schools in the municipality of under 100 resident pupils in the year 1963 shall, on and after the 1st day of January, 1965, form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

Urban
municipality
in union
school
section

- (10) Every urban municipality that had a population of 1,000 or more according to the municipal census for the year 1963 and an average daily attendance in the public schools in the municipality of 100 or more resident pupils in the year 1963 and that now forms part of a union school section shall continue to form part of the union school section until the union school section is altered under section 45.

Division of
township
into two
township
school
areas

- (11) Where a township has a population of more than 10,000 according to the municipal census for the year 1963, the Minister may divide the township into two township school areas, provided that neither area had in its public schools for the year 1963 an average daily attendance of under 300 pupils.

Territory
without
municipal
organization

- (12) Where territory without municipal organization is now part of a school section that is by this section added to a township school area, it shall become part of the township school area that is formed or enlarged by this section.

- (13) All rights and claims arising under this section shall be adjusted as provided in section 42. Adjustment of claims

- (14) Where by this section,

- (a) an urban municipality forms part of a township school area; or Certain trustees cease to hold office on Dec. 31, 1964
- (b) a township school area is formed that does not include an urban municipality or a former township school area or that does not include an urban municipality but includes two or more former township school areas; or
- (c) a township school area is formed by adding to a township school area one or more school sections,

the trustees of the boards of the school sections included in such township school areas cease to hold office on the 31st day of December, 1964, and a new board of trustees for a township school area referred to in clause *a* shall be elected in accordance with section 40*b* and, for a township school area referred to in clause *b* or *c*, shall be elected in accordance with section 40*a*.

- (15) Where a new board of trustees is required to be elected under subsection 14 and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of such trustees, the council of each such municipality shall provide for the election of such trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections. First election of trustees

- 40*a*.—(1) There shall be a board of public school trustees for every township school area, which, except as provided in section 40*b*, shall consist of five members. Board of public school trustees for township school area

- (2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*. Where township divided into wards

Township
school area
that does
not include
urban
municipality,
election of
trustees

- (3) The election of school trustees for a township school area that does not include an urban municipality shall be by ballot and shall be held for the year in which the by-law takes effect and for each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and, except as otherwise provided herein, all the provisions of this Act applicable to the election of trustees by ballot apply as nearly as may be to the election of school trustees under this section.

Nomina-
tions and
elections
where two
or more
muni-
cipalities in
area

- (4) Where a township school area includes two or more municipalities but does not include an urban municipality,
- (a) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality that has the largest equalized assessment, or, where there is no equalized assessment, the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;
 - (b) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;
 - (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and
 - (d) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years,

and

and the clerk shall notify the board in writing of his determination, which shall be entered in the minutes of the board.

- (5) Of the trustees elected at the first election, the three ^{Term of office} trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year.
 - (6) After the first election, an election shall be held in ^{Subsequent elections} each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.
 - (7) In case, at the first election of trustees, two or more ^{Equality of votes at first election} trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and the clerk shall notify the board in writing of his determination, which shall be entered in the minutes of the board.
- 40b.—(1) The board of a township school area that in- ^{Board of township school area that includes urban municipality} cludes one or more urban municipalities shall consist of the number of elected trustees provided for boards of education under subsections 1 to 3 of section 55 of *The Secondary Schools and Boards of Education Act*, ^{R.S.O. 1960, c. 362} provided that,
- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;
 - (b) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause a; and
 - (c) where a part of a union school section is by section 40 included in a township school area, the part so included shall not be deemed a municipality for the purposes of subsections 1 and 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

Election of
trustees

- (2) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Qualifica-
tions of
trustees

40c.—(1) A person is qualified to be elected as a trustee and to sit and vote as a member of a board of,

- (a) a township school area that does not include an urban municipality who has the qualifications required for trustees of a rural school section; and
- (b) a township school area that includes an urban municipality who has the qualifications required for trustees of an urban board or for trustees of a rural school section.

Term of
office of
trustees

- (2) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Powers of
board

- (3) The board of a township school area has the powers of an urban public school board and of a rural public school board.

Incorporation

- (4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (*insert name of municipality*)".

Vesting of
real and
personal
property in
board of
township
school area

- (5) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Board
responsible
for obliga-
tions of
each school
in township
school area

- (6) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

- (7) Where a township school area includes two or more municipalities, the auditor of the municipality that has the greatest equalized assessment shall be the auditor of the township school area books. Auditor
- (8) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area. Powers and duties
- (9) Where a township school area includes a union school section, the clerk of each township, any portion of which forms part of the union school section, shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township. Certified copy of voters' list

7. Subsection 1 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 45, subs. 1, re-enacted

- (1) In a county, a union school section may be formed between an urban municipality and a part or parts of one or more townships, and in such case the union shall be considered an urban municipality. Union school sections, formation

8. Subsection 3 of section 69 of *The Public Schools Act* is amended by adding at the end thereof "not later than the 15th day of December", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 69, subs. 3, amended

- (3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum that has been collected in excess of the sums disbursed, on account of the public school or schools within the municipality or school section, and shall pay over the same to the school board of the municipality or of the section not later than the 15th day of December. And to account for same

9.—(1) Clause *d* of subsection 2 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 74, subs. 2, cl. d, re-enacted

- (*d*) in municipalities of 100,000 population and over, provide, subject to the approval of the Minister, special classes for the instruction of the blind or deaf children residing within the municipality. blind and deaf

(2) Clause *c* of subsection 3 of the said section 74 is amended by striking out "and dumb" in the third line, so that the clause shall read as follows: R.S.O. 1960, c. 330, s. 74, subs. 3, cl. c, amended

blind and
deaf

- (c) ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and who would otherwise be required to attend the school under its charge.

R.S.O. 1960,
c. 330, s. 74,
subs. 4,
subs. 5,
(1961-62,
c. 120, s. 17),
section 74
repealed

- (3) Subsection 4 and subsection 5, as enacted by section 17 of *The Public Schools Amendment Act, 1961-62*, of the said

R.S.O. 1960,
c. 330, s. 75,
repealed

- 10.** Section 75 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 76,
subs. 2,
amended

- 11.** Subsection 2 of section 76 of *The Public Schools Act* is amended by inserting after "the" where it occurs the third time in the first line "publication of the", so that the subsection shall read as follows:

Time for
appeals

- (2) The time for appeal shall run from the date of the publication of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for the by-law to be passed, as the case may be.

R.S.O. 1960,
c. 330, s. 80,
subs. 1,
amended

- 12.** Subsection 1 of section 80 of *The Public Schools Act* is amended by striking out "of the Minister and" in the fourth and fifth lines, so that the subsection shall read as follows:

Admission of
pupils from
school
section
to public
schools of
another
section or
to Indian
schools

- (1) A public school board may provide for the admission of pupils of the section to the public schools of any other school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the board of such other school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation that the board is required by this Act to make for the pupils of the section.

Commence-
ment

- 13.** This Act comes into force on the day it receives Royal Assent.

Short title

- 14.** This Act may be cited as *The Public Schools Amendment Act, 1964*.

CHAPTER 96

An Act to amend The Public Service Superannuation Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c* and *d* of subsection 1 of section 6 of *The Public Service Superannuation Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 6,
subs. 1,
cls. *c*, *d*,
re-enacted

(*c*) who gives notice in writing to the Board within one year from the date of the Order in Council that appointed him to the regular staff of the classified service under *The Public Service Act, 1961-62* of his intention to establish credit in the Fund in respect of his past non-contributory service with the Crown; and

1961-62,
c. 121

(*d*) who agrees to pay on terms satisfactory to the Board and pays an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest at the rate of 3 per cent per annum upon such amount.

2. *The Public Service Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 332,
amended

6a.—(1) Every contributor,

Idem,
contributors
appointed
before
April 1,
1964

(*a*) who was appointed as a civil servant before the 1st day of April, 1964; and

(*b*) who has failed to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and

(*c*)

- (c) who gives notice in writing to the Board before the 31st day of December, 1965, of his intention to establish such credit; and
- (d) agrees to pay on terms satisfactory to the Board and pays, where he was employed before the 1st day of March, 1948, an amount equal to 4 per cent of his salary up to the 1st day of April, 1957, and 6 per cent of his salary after that date, or, where he was employed on or after the 1st day of March, 1948, an amount equal to 6 per cent of his salary for the period of his continuous non-contributory service with the Crown, together with, in either case, interest at the rate of 5 per cent per annum upon such amount,

is, in reckoning the amount of any allowance or annuity payable to him, entitled to credit in the Fund for the period of service represented by the payments so made.

Idem,
part of
past service

- (2) Any contributor who is entitled under this section to establish credit in the Fund in respect of his continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and his appointment as a civil servant.

Idem,
commence-
ment of
past service

- (3) For the purposes of this section, the Board may determine the day on which any contributor commenced his continuous non-contributory service with the Crown.

R.S.O. 1960,
c. 332, s. 17,
amended

3. Section 17 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Contribu-
tions
locked in

- (3) Notwithstanding subsection 2, a contributor,
 - (a) who has attained the age of forty-five years;
 - (b) who has contributed to the Fund in respect of a period of ten or more years;
 - (c) who resigns or is dismissed; and
 - (d) who is entitled to a deferred annuity under section 12,

is not entitled to a return of his contributions to the Fund in respect of service rendered after the 31st day of December, 1964.

4. This Act shall be deemed to have come into force on the 1st day of April, 1964. ^{Commence-}
^{ment}

5. This Act may be cited as *The Public Service Super-* ^{Short title}
annuation Amendment Act, 1964.

CHAPTER 97

An Act to amend The Race Tracks Tax Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Race Tracks Tax Act* is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,
c. 341, s. 1,
amended

(a) "Comptroller" means the Comptroller of Revenue.

2. Section 3 of *The Race Tracks Tax Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 341, s. 3,
amended

(3) Every person who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and is responsible for the payment over of it in the manner and time provided by this Act and the regulations. Trust
moneys

(4) All amounts collected by a person under this Act shall be kept separate and apart from his own moneys. Idem

3. Subsection 1 of section 4 of *The Race Tracks Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 341, s. 4,
subs. 1,
re-enacted

(1) Every person owning, operating or using a race track and holding a race meeting shall at the end of every fourteen days, or such other greater or lesser period as the Comptroller may designate, during the term of the race meeting and at or immediately after its close furnish to the Treasurer a separate return for each track, Returns at
close of
meeting

(a) of the moneys received and of the moneys paid out at or in connection with the race meeting;

(b)

- (b) of the total amount wagered on the track or tracks at the race meeting in respect of which such person derived any benefit;
- (c) of the percentage or other portion thereof taken by such person; and
- (d) of such other information as is required by the Comptroller.

R.S.O. 1960,
c. 341, s. 6,
subs. 1,
amended

4.—(1) Subsection 1 of section 6 of *The Race Tracks Tax Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Comptroller”.

R.S.O. 1960,
c. 341, s. 6,
subs. 1, cl. a,
amended

(2) Clause *a* of subsection 1 of the said section 6 is amended by striking out “Treasurer” in the fourth line and inserting in lieu thereof “Comptroller” and by striking out “one month” in the sixth line and inserting in lieu thereof “seven days”, so that the clause shall read as follows:

- (a) demand from any person such information as is indicated in a letter delivered or sent by prepaid mail to such person, and every such person shall furnish to the Comptroller all such information that he has in his possession or under his control, in writing, within seven days of the delivery or sending of such letter; or

.

R.S.O. 1960,
c. 341, s. 7,
amended

5. Section 7 of *The Race Tracks Tax Act* is amended by adding thereto the following subsections:

Recovery
of tax

- (3) Upon default of payment by a person holding the race meeting of any tax collectable under this Act, the Treasurer may issue a warrant directed to the sheriff of any county or district in which the property of a person liable to make remittance under this Act is located or situate for the amount of tax, interest and penalty, or any of them, owing by him, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Remedies
for recovery
of tax

- (4) The use of any remedy does not bar or affect any other remedy, and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act are in addition to any other remedies existing by law.

6. *The Race Tracks Tax Act* is amended by adding thereto the following sections: R.S.O. 1960.
c. 341,
amended

7a. Any amount payable or to be remitted to the Treasurer under this Act bears interest at the rate of 6 per cent per annum from the day on which such amount should have been paid or remitted to the Treasurer to the day of payment. Interest

7b. The Comptroller may require a person holding a race meeting to furnish a surety bond on such terms and conditions and in such amount as the Comptroller deems appropriate. Surety
bond

7c.—(1) The Comptroller is not bound by a return or information delivered by or on behalf of any person under this Act and may, notwithstanding a return or information as delivered, or if no return or information has been delivered, assess the tax payable under this Act. Comptroller
not bound
by returns

(2) The Comptroller may at any time assess tax, interest or penalties and may at any time re-assess or make additional assessments. Assessment
and re-
assessment

7. This Act shall be deemed to have come into force on the 1st day of April, 1964. Commence-
ment

8. This Act may be cited as *The Race Tracks Tax Amendment Act, 1964*. Short title

CHAPTER 98

**An Act to amend
The Radiological Technicians Act, 1962-63**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Radiological Technicians Act, 1962-63* is amended by striking out clause *c* and inserting in lieu thereof the following:

(c) has been practising in Ontario as a radiological technician for a period of five years under the supervision of a duly qualified medical practitioner and passes the examinations of the Board,

and complies with the regulations.

2. Clause *b* of subsection 1 of section 14 of *The Radiological Technicians Act, 1962-63* is amended by adding at the end thereof "and for persons referred to in clause *c* of subsection 1 of section 5", so that the clause shall read as follows:

(b) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians and for persons referred to in clause *c* of subsection 1 of section 5.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Radiological Technicians Amendment Act, 1964*.

CHAPTER 99

An Act to amend The Real Estate and Business Brokers Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 344, s. 1,
amended

(ba) “Director” means the Director of the Registration and Examination Branch of the Department of the Attorney General.

(2) Clause *j* of the said section 1 is repealed.

R.S.O. 1960,
c. 344, s. 1,
cl. *j*,
repealed

2. Subsection 2 of section 2 of *The Real Estate and Business Brokers Act* is amended by striking out “Superintendent” in the third and fourth lines and inserting in lieu thereof “Director”. R.S.O. 1960,
c. 344, s. 2,
subs. 2,
amended

3. Subsection 2 of section 4 of *The Real Estate and Business Brokers Act* is repealed. R.S.O. 1960,
c. 344, s. 4,
subs. 2,
repealed

4. Section 5 of *The Real Estate and Business Brokers Act* is amended by striking out “Superintendent” in the third line and inserting in lieu thereof “Director”. R.S.O. 1960,
c. 344, s. 5,
amended

5. Section 6, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, section 7, as amended by section 2 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, section 8, as amended by section 3 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, and section 9, as amended by section 4 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 344,
ss. 6-9,
re-enacted

6.—(1) The Registrar may grant registration or renewal of registration to an applicant where the proposed

registration

registration is not against the public interest, and the registration may be subject to terms and conditions.

Hearings

- (2) The Registrar shall not refuse to grant or refuse to renew a registration without giving the applicant an opportunity to be heard.

Suspension and cancellation

7. The Registrar may, after giving the registrant an opportunity to be heard, suspend or cancel a registration for the breach of a term or condition upon which the registration was granted or where, in his opinion, to do so is in the public interest.

Advisory board

- 8.—(1) The Attorney General shall appoint an advisory board consisting of such number of members as he deems appropriate and shall designate one of the members as chairman, and the members, other than the chairman, shall be registered brokers.

Reference to advisory board

- (2) In determining the granting or refusal of an application for registration or renewal of registration, or the cancellation or suspension of registration, the Registrar may, and shall when so requested in writing by the applicant or registrant, as the case may be, refer the matter to the advisory board, which shall hold a hearing and make a report to the Registrar with such recommendations as it deems advisable.

Quorum and powers

- (3) For the purpose of a hearing under subsection 2, the chairman and one member constitute a quorum, and the advisory board has and may exercise any of the powers that may be exercised under subsection 3 of section 24 by a person making an investigation.

Further application

9. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Reasons

- 9a. Where the Registrar refuses to grant a registration or renewal of registration, or suspends or cancels a registration, he shall give to the person whose registration or right to registration is affected written reasons for his decision.

R.S.O. 1960,
c. 344, s. 11,
re-enacted

6. Section 11 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Address for service

- 11.—(1) Every applicant for registration shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are

sufficiently

sufficiently given or served for all purposes if delivered or sent by registered mail to the latest address for service so stated.

- (2) Every registered broker shall within five days notify the Registrar in writing of, Notice of changes by broker
- (a) any change in his address for service;
 - (b) any change in the officers or members in the case of a partnership or corporation; and
 - (c) the commencement and termination of employment of every salesman.
- (3) Every registered salesman shall within five days notify the Registrar in writing of, Notice of changes by salesman
- (a) any change in his address for service; and
 - (b) every commencement and termination of his employment by a registered broker.

7. Section 16 of *The Real Estate and Business Brokers Act* is repealed. R.S.O. 1960, c. 344, s. 16, repealed

8.—(1) Subsection 1 of section 24 of *The Real Estate and Business Brokers Act*, as re-enacted by subsection 1 of section 12 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 24, subs. 1 (1962-63, c. 123, s. 12, subs. 1), re-enacted

- (1) Where upon a statement made under oath it appears probable to the Director that a person has, Investigations
- (a) contravened any of the provisions of this Act or the regulations; or
 - (b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in real estate, 1953-54, c. 51 (Can.)

the Director may by order appoint one or more persons to make such investigation as the Director deems expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

Investigation by order of Attorney General

- (1a) Notwithstanding subsection 1, the Attorney General may by order appoint one or more persons to make an investigation into any matter relating to trades in real estate or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Attorney General.

R.S.O. 1960, c. 344, s. 24, subs. 2, amended

- (2) Subsection 2 of the said section 24, as amended by subsection 2 of section 12 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is further amended by striking out "the Registrar or" in the amendment of 1962-63.

R.S.O. 1960, c. 344, s. 24, subs. 3, re-enacted

- (3) Subsection 3 of the said section 24 is repealed and the following substituted therefor:

Power to take sworn evidence and summon witnesses

- (3) For the purposes of any such investigation, any person making the investigation,

- (a) may administer oaths to witnesses and require them to give evidence under oath; and
- (b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

R.S.O. 1960, c. 344, s. 24, subs. 4, re-enacted

- (4) Subsection 4 of the said section 24, as amended by subsection 3 of section 12 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Seizure of property

- (4) Any person making any such investigation may seize and take possession of any documents, records, securities or other property belonging to the person whose affairs are being investigated and that relate to the subject-matter of the investigation.

R.S.O. 1960, c. 344, s. 24, subss. 5, 6, re-enacted

- (5) Subsection 5, as amended by subsection 4 of section 12 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, and subsection 6, as amended by subsection 5 of section 12 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of the said section 24 are repealed and the following substituted therefor:

Accountants and other experts, appointment

- (5) The Attorney General or the Director may appoint any expert to examine documents, records, properties and matters of the person whose affairs are being investigated.

- (6) Every person appointed under subsection 1 shall report the result of his investigation or examination to the Director. Report of investigation

9. Section 25 of *The Real Estate and Business Brokers Act*, as amended by section 13 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is further amended by striking out "Registrar" where it occurs the first, second and third times in the amendment of 1962-63 and inserting in lieu thereof in each instance "Director". R.S.O. 1960, c. 344, s. 25, amended

10. Section 26, as amended by section 14 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, section 27, as amended by section 15 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, and section 28, as amended by section 16 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 26, re-enacted; ss. 27, 28, repealed

26. No person, without the consent of the Attorney General, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under section 24 or the name of any witness examined or sought to be examined in such investigation. Information not to be disclosed

11.—(1) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act*, as amended by subsection 1 of section 17 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is further amended by striking out "Registrar" where it occurs the first, second and third times in the amendment of 1962-63 and inserting in lieu thereof in each instance "Director". R.S.O. 1960, c. 344, s. 29, amended

(2) The said section 29 is amended by adding thereto the following subsection: R.S.O. 1960, c. 244, s. 29, amended

- (1a) Subsection 1 does not apply where the person referred to in clause a or b of subsection 1 files with the Director, Bond in lieu

(a) a personal bond accompanied by collateral security;

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; R.S.O. 1960, c. 168
or

(c)

- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

R.S.O. 1960,
c. 344, s. 29,
subs. 3,
amended

(3) Subsection 3 of the said section 29, as amended by subsection 2 of section 17 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is further amended by striking out "Registrar" where it occurs the first and second times in the amendment of 1962-63 and inserting in lieu thereof in each instance "Director".

R.S.O. 1960,
c. 344,
ss. 30-33,
re-enacted;
s. 34,
repealed

12. Section 30, as amended by section 18 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, section 31, as amended by section 19 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, section 32, section 33, as amended by section 20 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, and section 34, as amended by section 21 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

Notice of
direction,
decision,
etc.

30.—(1) The Registrar shall serve upon any person who in the opinion of the Registrar is affected thereby a notice of every direction, decision, order or ruling of the Registrar.

Service

(2) Where a service under subsection 1 is made upon a person who is not a registrant, the service may be made by sending the notice by registered mail to the last-known address of the person to be served.

Review

31.—(1) Any person whose registration or right to register is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 30, request a hearing and review of the matter by the Director.

Notice of
hearing

(2) Where a hearing and review are requested, the Director shall serve notice upon the person who requested the review notifying him of the time and place of the hearing, which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review.

- (3) Upon a review, the Director shall hear such evidence^{Evidence} as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record.
- (4) Upon a review, the Director has and may exercise^{Powers of Director on review} any of the powers that may be exercised under subsection 3 of section 24 by a person making an investigation.
- (5) Upon a review, the Director may confirm or revoke^{Decision of Director} the decision of the Registrar or may make any other decision he deems proper.
- (6) Notice of the decision of the Director made upon a^{Notice of decision} review shall be served forthwith upon the person who requested the review, together with written reasons for his decision.
- 32.—(1) Where the Director has reviewed a decision^{Appeal} and given his decision upon the review, the person who requested the review may appeal to a justice of appeal of the Court of Appeal.
- (2) Every appeal shall be by notice of motion served^{Form of appeal} upon the Director within thirty days after the delivery of the notice of decision under subsection 6 of section 31, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.
- (3) The Director shall certify to the Registrar of the^{Material on appeal} Supreme Court,
- (a) the decision that has been reviewed by him;
 - (b) his decision upon the review, together with his reasons therefor;
 - (c) the record of the review; and
 - (d) all written submissions to him and other material received by him in connection with the review.

Counsel

- (4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Order for
Director's
decision

- (5) Where an appeal is taken under this section, the judge may by his order direct the Director to make such decision as the Director is authorized to make under this Act and as the judge deems proper, and thereupon the Director shall act accordingly.

Appeal
final

- (6) The order of the judge is final but a further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Right to
counsel

33. Every person whose registration or right to registration may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing.

R.S.O. 1960,
c. 344, s. 54b
(1962-63,
c. 123, s. 24),
subs. 2,
amended

13. Subsection 2 of section 54b of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director".

R.S.O. 1960,
c. 344, s. 55,
re-enacted;
s. 56,
repealed

14. Section 55, as amended by section 25 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, and section 56 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

Offences

55.—(1) Every person who,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations
- (3) No proceedings under this section shall be instituted except with the consent of the Attorney General. Consent of Attorney General
- (4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Director. Limitation

15. Section 57 of *The Real Estate and Business Brokers Act* is amended by striking out "Superintendent" in the seventh line and inserting in lieu thereof "Director". R.S.O. 1960, c. 344, s. 57, amended

16. Section 59 of *The Real Estate and Business Brokers Act*, as amended by section 27 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 59, re-enacted

59. A statement as to,

Certificate
of evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

17. This Act comes into force on the day it receives Royal Assent. Commencement

18. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1964*. Short title

CHAPTER 100

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by adding thereto the following sub-amended section: R.S.O. 1960, c. 346, s. 5,

- (9) Where a court in Ontario to which a provisional order made by a court in a reciprocating state has been sent for confirmation refuses to confirm it, or, after confirming it, varies or rescinds it, the person in whose favour it was made has the same right of appeal, if any, against the refusal, variation or rescission as that person would have had if the original application had been made in the same court in Ontario and it had been dismissed. Right of appeal where provisional order not confirmed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1964*. Short title

CHAPTER 101

An Act to amend The Reformatories Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Reformatories Act* is repealed. R.S.O. 1960,
c. 347, s. 22.
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Reformatories Amendment Act, 1964*. Short title

CHAPTER 102

An Act to amend The Registry Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Registry Act* is amended by inserting after “mortgage” in the third line “notice of sale by a mortgagee”. R.S.O. 1960,
c. 348, s. 1,
cl. *d*,
amended

(2) The said section 1, as amended by section 1 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960,
c. 348, s. 1,
amended

(*fa*) “plan of subdivision” means a plan by which the owner of land divides the land into designated lots or blocks, but does not include a plan to which *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63* applies. R.S.O. 1960,
c. 47
1962-63,
c. 43

2. *The Registry Act* is amended by inserting the heading “PART I” immediately preceding section 2. R.S.O. 1960,
c. 348,
amended

3. Subsection 2 of section 4 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 348, s. 4,
subs. 2,
re-enacted

(2) The Lieutenant Governor in Council may, by regulation, Changes in
registry
divisions

(*a*) combine two registry divisions into one registry division;

(*b*) divide a registry division in a provisional judicial district into two registry divisions; or

(*c*) annex a part of a registry division to an adjoining registry division,

but there shall be at least one registry office for each county or district described in section 1 of *The Territorial Division Act*. R.S.O. 1960,
c. 395

R.S.O. 1960,
c. 348, s. 6,
subs. 2,
amended

4.—(1) Subsection 2 of section 6 of *The Registry Act* is amended by inserting after "subsection 1" in the fourth line "or 5", so that the subsection shall read as follows:

Expense

- (2) A town separated from a county for municipal purposes, and a city for which there is no separate registry office, shall bear such equitable proportion of the expense incurred under subsection 1 or 5 as the Inspector directs.

R.S.O. 1960,
c. 348, s. 6,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 6 is repealed and the following substituted therefor:

Municipality
to provide
equipment

- (4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall, when so required by the Inspector, provide typewriters, telephones, directories and such other equipment and supplies as the Inspector deems necessary for the purpose of the office, and the Inspector may direct that equipment other than filing equipment or furniture may be leased rather than purchased.

Where
registry
office
facilities
inadequate

- (5) Where it appears that the building or the part of a building that is provided by a county or city for a registry office is inadequate, having regard to the volume of business, storage requirements, staff facilities or otherwise, the Lieutenant Governor in Council may direct the county or city to erect a new building or an addition to the existing building upon a plan and on a site to be approved by him.

R.S.O. 1960,
c. 348, s. 19,
subs. 2,
re-enacted

5. Subsection 2 of section 19 of *The Registry Act* is repealed and the following substituted therefor:

Production
of originals
upon order
of judge or
magistrate

- (2) A judge of a court or a magistrate in Ontario may, for the purposes of a hearing, order a registrar to produce any instrument or document in his custody where, in the opinion of the judge or magistrate, a certified copy thereof is not sufficient.

Delivery

- (3) Upon receipt of an order under subsection 2 and the fee prescribed for a certified copy of the instrument or document required by the order to be produced, the registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order.

- (4) The registrar shall attach the order to the certified copy and shall file the copy in his office in place of the original instrument or document until the original has been returned. Substituting a copy

- (5) Notwithstanding subsection 2 of section 52 of *The Evidence Act*, an instrument or document produced by a registrar under this section shall be returned to the custody of the registrar after the final disposition of the cause or action to which it pertains. Return of documents to registrar R.S.O. 1960, c. 125

6. Subsection 8 of section 20 of *The Registry Act*, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following item: R.S.O. 1960, c. 348, s. 20, subs. 8 (1962-63, c. 124, s. 7, subs. 3), amended

15. A caution under section 13 of *The Devolution of Estates Act*, not containing a local description, or a certificate withdrawing such a caution. R.S.O. 1960 c. 106

7. Subsection 2 of section 29 of *The Registry Act* is amended by inserting after "instrument" in the first line "other than a will or power of attorney", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 2, amended

- (2) Every instrument, other than a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land. Entries

8. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

31a.—(1) In this section,

Interpretation

- (a) "deed" means an instrument purporting to grant or convey land, other than a mortgage;
- (b) "deed to uses" means a deed expressed to be given to such uses as the grantee may appoint by deed, mortgage or will;

(c)

(c) "owner to uses" means a grantee under a registered deed to uses;

(d) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Exercise of power of appointment in deed to uses

(2) An owner to uses may exercise his power of appointment by a deed or mortgage or by his will.

Mortgage does not exhaust power

(3) An appointment by way of mortgage by an owner to uses does not exhaust his power of appointment.

Effect of discharge of mortgage

(4) Notwithstanding the registration of a discharge of a mortgage,

(a) that was made by way of appointment by the owner to uses; or

(b) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the mortgage had not been made.

Effect of default of appointment

(5) An owner to uses who dies without having exercised his power of appointment by deed, mortgage or will shall be deemed to have appointed the land by way of deed to himself immediately before his death.

Idem

(6) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of mortgage and who dies without having appointed by way of deed or will shall be deemed to have appointed the unencumbered interest in the land by way of deed to himself immediately before his death.

No inchoate dower right

(7) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses.

Where widow entitled to dower

(8) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death.

R.S.O. 1960, c. 348, s. 32, re-enacted

9. Section 32 of *The Registry Act* is repealed and the following substituted therefor:

32. An instrument executed on or after the 1st day of July, 1964, other than a plan of survey, shall not be registered if its dimensions are greater than $8\frac{1}{2}$ inches by 14 inches.

10. Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 33,
subss. 1, 2,
re-enacted;
subss. 3-6,
repealed

- (1) Except as provided by subsections 5a and 8 of section 20, an instrument that does not contain a local description of the land affected thereby other than a plan or a certificate in the prescribed form completely discharging a mortgage shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description.

Local
description
required

- (2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1.

Registration
of declara-
tion as to
lands
affected

11. Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 34,
subs. 1,
re-enacted

- (1) An instrument shall not be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party, including a guarantor or surety, who appears to to have executed it.

Affidavit
of witness

- (1a) Subsection 1 does not apply to,

Where not
required

(a) a will;

(b) a grant or lease from the Crown;

(c) an order in council;

(d) an instrument that purports to be executed by an officer of the Government of Ontario;

(e)

- (e) the execution of an instrument by a corporation under its seal;
- (f) a by-law of a municipality;
- (g) a certificate of judicial proceedings;
- (h) a plan or a plan and description in respect of expropriated land;
- (i) an instrument under section 3, 6 or 13 of *The Highway Improvement Act*;
- (j) a consent under section 26 of *The Planning Act*;
- (k) a copy of an instrument certified under section 43;
- (l) a sworn or notarial copy of an instrument where such copy may be registered;
- (m) a statutory declaration;
- (n) a tax arrears certificate, redemption certificate or vacating certificate under *The Department of Municipal Affairs Act*;
- (o) a tax sale notice or redemption receipt under *The Assessment Act*.

R.S.O. 1960,
c. 171

R.S.O. 1960,
c. 296

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 23

R.S.O. 1960,
c. 348, s. 36,
re-enacted

12. Section 36 of *The Registry Act* is repealed and the following substituted therefor:

Registrar
and deputy
registrar
may admin-
ister oath

36.—(1) Every registrar and deputy registrar of deeds is *ex officio* a commissioner for taking affidavits for use under this Act and relating to land in his registry division.

Affidavits,
etc., made
outside
Ontario
R.S.O. 1960,
c. 125

(2) Notwithstanding sections 44 and 45 of *The Evidence Act*, an affidavit, affirmation or declaration sworn, affirmed or made under section 44 or 45 of *The Evidence Act* is not sufficient for the purposes of this Act unless it is admissible in evidence without proof of signature under subsection 2 of section 44 or subsection 3 of section 45 of *The Evidence Act*.

R.S.O. 1960,
c. 348, s. 41,
amended

13. Section 41 of *The Registry Act* is amended by adding thereto the following subsection:

- (2) Where an attorney empowered under section 294 of *The Corporations Act* or section 19 of the *Companies Act* (Canada) executes an instrument under his seal on behalf of a corporation, subsection 1 of section 34 applies.
- Proof of execution by attorney for corporation
R.S.O. 1960, c. 71
R.S.C. 1952, c. 53

14. Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63*, is amended by inserting after "land" in the second line "other than an order or certificate endorsed on an instrument", so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 42
(1962-63, c. 124, s. 17),
subs. 1, amended

- (1) A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the registry office of the registry division in which the land is situate by registering therein,
- Judgments and orders affecting land

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(b) a copy of the judgment or order certified as such by the proper officer of the court.

15. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 348, amended

43a. A copy of an instrument deposited under Part II of this Act or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act.

Registration of deposits

16. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 48, re-enacted

48.—(1) Notwithstanding section 47, where a mortgage is registered in a registry office in which a system of recording instruments on photographic film has not been established, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt that have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption,

Entry of mortgages in copy books

the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent
recording
in full

- (2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

When
mortgage
to be
recorded
in full

- (3) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2.

R.S.O. 1960,
c. 348, s. 52,
subss. 1-3,
re-enacted

17.—(1) Subsections 1, 2 and 3 of section 52 of *The Registry Act* are repealed and the following substituted therefor:

Affidavit
as to age

- (1) A deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim that is executed by one or more men or women shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such person or any one of such persons, as the case may be, or, if the document is executed by an attorney, by that attorney, deposing or declaring that each such person was of the full age of twenty-one years at the time of the execution.

Powers of
attorney

- (1a) A power of attorney executed by one or more men or women after the 1st day of July, 1964, shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration made by one of the persons by whom it was executed or by the attorney deposing or declaring that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of the execution.

(2) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing or declaring that they were legally married at the time of the execution.

Affidavit
as to
marriage

(3) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which no one joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man, or, if the document is executed by an attorney, by that attorney, deposing or declaring that the man was married, unmarried, divorced or a widower, as the case may be, at the time of the execution.

Affidavit
as to
marital
status

(2) Subsection 6 of the said section 52 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 52,
subs. 6,
re-enacted

(6) Subsection 1 does not apply,

Where
subs. 1
does not
apply

(a) to a wife who joins in a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release or quit claim solely for the purpose of barring her dower; or

(b) to an executor or administrator, the Public Trustee or any other person dealing with lands in an official capacity.

(3) Clause *b* of subsection 7 of the said section 52 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 52,
subs. 7, cl. *b*,
re-enacted

(b) to a deed, conveyance, mortgage, lease, release or quit claim made by men or women as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them.

(4) Clause *d* of subsection 7 of the said section 52 is amended by striking out "assignment of mortgage" in the first and

R.S.O. 1960,
c. 348, s. 52,
subs. 7, cl. *d*,
amended

second lines and inserting in lieu thereof "lease", so that the clause shall read as follows:

- (d) to a deed, conveyance, mortgage, lease, release or quit claim made by an executor or administrator or trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

R.S.O. 1960,
c. 348, s. 52,
amended

- (5) The said section 52 is amended by adding thereto the following subsection:

Affidavit by
corporate
attorney

- (8) Where any affidavit or declaration required by this section is made by an attorney that is a corporation, the affidavit or declaration shall be made by an officer of the corporation.

R.S.O. 1960,
c. 348,
amended

- 18.** *The Registry Act* is amended by adding thereto the following section:

Interpre-
tation

- 53a.—(1) In this section, "grantee" includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land.

Description
of grantee

- (2) An instrument executed on or after the 1st day of July, 1964, shall not be registered unless every grantee thereunder, other than a corporation, is described by his surname and by at least one given name in full.

R.S.O. 1960,
c. 348, s. 61,
repealed

- 19.** Section 61 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 348, s. 66,
re-enacted

- 20.** Section 66 of *The Registry Act* is repealed and the following substituted therefor:

Discharge
of mortgages
held by
amal-
gamated
loan or trust
corporations

66. Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a sworn copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement

was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge.

21. Subsection 3 of section 75 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 75,
subs. 3,
re-enacted

- (3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office.

Orders,
etc., re
changes in
municipal
boundaries

22. Section 86 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 86,
re-enacted

- 86.—(1) A plan of subdivision shall not be registered unless it has been prepared by a surveyor and unless it complies with the regulations.

Registered
plan of
subdivision

- (2) An instrument that refers to a plan of subdivision shall not be registered unless the plan of subdivision is registered.

Idem

- (3) Subject to section 90, an instrument affecting the land on a plan or any part thereof executed after the plan is registered, except a certificate in the prescribed form completely discharging a mortgage, shall not be registered unless it conforms to the plan.

Instruments
to conform
to plan

- (4) Where land is mortgaged and subsequently subdivided by a registered plan, any complete or partial discharge of the mortgage registered after the plan is registered shall be entered in the abstract index for the affected lots according to the plan and in the abstract index for the lot or lots in which the mortgage was entered or for such of them as are affected by the discharge.

Discharge
of prior
mortgage

- (5) Any public or private street, way, lane or alley, or block, tract or lot, being the only access to a lot or lots laid down on a plan of subdivision, shall be deemed to be a street or highway.

What to be
deemed
street or
highway

Plans of
unpatented
lands

- (6) The registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Lands and Forests to the registration is endorsed on the plan.

Registrar
not to file
plans for
anyone but
owner or
without
consent of
mortgagees

- (7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Approvals
under
R.S.O. 1960,
c. 296

- (8) No plan to which *The Planning Act* applies, except a plan registered under section 26, 88, 94 or 94a of this Act, shall be registered unless approved under *The Planning Act*.

Illustration
of vague or
complex
description

- 86a. Where an instrument submitted for registration contains a description that in the opinion of the registrar is difficult to apply because of its complexity or vagueness, the registrar may require that the description be illustrated, and the illustration shall be attached to the instrument and shall be by,

(a) a plan or a print of a plan of the land made by a surveyor; or

(b) a sketch of the land drawn to scale, and including,

(i) the distance from the land so described to one or more lot angles; or

(ii) a tie to a point of reference contained in a registered instrument.

R.S.O. 1960,
c. 348, s. 88,
subs. 1,
re-enacted

23.—(1) Subsection 1 of section 88 of *The Registry Act* is repealed and the following substituted therefor:

Abstract
index for
subdivision
of lots

- (1) The Inspector may direct the registrar to subdivide any lot or designated area into such lots, blocks or parts for abstract purposes as, having regard to conveyances registered upon such lots and otherwise,

he directs, and in such case an abstract index shall be prepared by the registrar for each of such lots, blocks or parts as if it had been originally a separate lot, and shall extend from any past or future date directed by the Inspector, and shall contain only those registrations that affect the subdivision to which the index relates.

- (1a) Where an abstract index is prepared under subsection 1, the Inspector may direct the registrar to cause a plan to be compiled showing the lots, blocks and parts into which the designated area has been subdivided, and the compiled plan, bearing the title "Registrar's Compiled Plan", may be registered. Registrar's compiled plan may be registered

- (1b) Where the registrar is unable to prepare an abstract or a compiled plan under subsection 1 without the assistance of a surveyor, he may, with the approval of the Inspector, engage a surveyor to assist in such preparation. Idem

- (1c) Where a compiled plan is registered under subsection 1a, subsections 3 and 4 of section 86 and subsection 16 of section 94 apply. Idem

- (2) Subsections 5 and 6 of the said section 88 are repealed.

R.S.O. 1960,
c. 348, s. 88,
subss. 5, 6,
repealed

24.—(1) Subsections 1 and 2 of section 91 of *The Registry Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 91,
subss. 1, 2,
re-enacted

- (1) A registered plan is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered. When registered plan not binding

- (2) Upon the application of the person by whom a plan was registered or of his assigns, or of the owner for the time being of land within the plan, a judge of the Supreme Court or a judge of the county or district court of the county or district in which the land lies may authorize or order amendments or alterations to be made to the registered plan. Amendment of plan

- (2) The said section 91 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 348, s. 91,
amended

- (5) Nothing in this section prevents the registration of a plan of re-subdivision if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to the plan. Plan of re-subdivision may be registered

R.S.O. 1960,
c. 348,
amended

25. *The Registry Act* is amended by adding thereto the following section:

Registration
of amended
plan

92a. Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of subdivision and the provisions of *The Planning Act* respecting the approval of plans of subdivision apply to the amended plan.

R.S.O. 1960,
c. 296

R.S.O. 1960,
c. 348, s. 94,
subss. 13-15,
17, repealed

26.—(1) Subject to subsection 2, subsections 13, 14, 15 and 17 of section 94 of *The Registry Act* are repealed.

Saving

(2) Subsections 13, 14, 15 and 17 of the said section 94, as repealed by subsection 1, continue to apply to the preparation and registration of any plan ordered to be made under the said subsection 13 before subsection 1 of this section comes into force.

R.S.O. 1960,
c. 348,
amended

27. *The Registry Act* is amended by adding thereto the following section:

Order for
draft
plan

94a.—(1) Where parts of lots, blocks or other designated areas shown by a registered plan have been conveyed or where any other land has been conveyed by metes and bounds or in any other manner without a plan having been registered showing such subdivisions, a judge of the county or district court of the county or district in which the land is situate may, upon the application of the Inspector and upon notice in the prescribed manner to all persons affected, make an order directing the land or any part thereof to be laid out into lots or in such other manner and numbered as the judge thinks fit, and a draft plan thereof to be made from actual survey by a surveyor and in accordance with the records of the registry office.

Restraining
order

(2) After an order has been made under subsection 1 and after a draft plan has been prepared by the surveyor, the Inspector may issue a restraining order in respect of the land to be included in the plan and any land adjacent thereto that may be affected by the plan, and, subject to subsection 3, after registration of the restraining order no instrument conveying the land or any part thereof, other than a mortgage, shall be registered until after registration of the plan.

- (3) The Inspector may amend, suspend or withdraw a restraining order issued under subsection 2. Amendment, etc., of restraining order
- (4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 1, the Inspector may, upon notice in the prescribed manner to all persons interested, apply to a judge of the county or district court of the county or district in which the land is situate for an order that a plan bearing the title "Judge's Plan" be prepared in accordance with the regulations and incorporating such amendments to the draft plan as the judge thinks proper and registered, and the judge may make such order. Order for registration of judge's plan
- (5) An order made under this section may determine the limits of any parcel of land, and, upon registration of the plan, the limits shall be deemed to be those shown on the plan. Effect of registration of judge's plan
- (6) The costs and expenses of and incidental to the application and the plan and the registration thereof shall be borne by the person or municipality to be named by the judge in his order, and, where the costs and expenses are directed to be borne by the municipality, the judge may by his order direct repayment of them to the municipality by the levy of a special rate by assessment on all the lots included in the plan. Costs
- (7) An order made under this section, on being filed with the clerk of the court, may be enforced as if it were a judgment of the court. Effect of filing order
- (8) Where an application is made for an order under this section, the Inspector may cause the Attorney General to be notified of the application, and the Attorney General, on behalf of the Crown, may submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 6 as the judge determines to be reasonable, or the Attorney General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 6. Contribution by Crown to cost of plan

Appeal

- (9) An order made under this section may be appealed to the Court of Appeal.

Payments
out of
Consolidated
Revenue
Fund

- (10) Any amount payable by the Crown under subsection 8 shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960,
c. 348, s. 95,
repealed

- 28.** Section 95 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 104,
amended

- 29.** Section 104 of *The Registry Act* is amended by adding thereto the following subsection:

Reduction
of fees

- (1a) Where, in the opinion of the Inspector, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Inspector may reduce the fee to such amount as he deems appropriate.

R.S.O. 1960,
c. 348, s. 113,
amended

- 30.** Section 113 of *The Registry Act*, as amended by section 44 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Division of
surplus fees
under
subs. 2

- (5) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,

(a) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or

(b) upon the joint application of the county and the city or town, in the proportions requested in the application.

R.S.O. 1960,
c. 348,
amended

- 31.** *The Registry Act* is amended by adding thereto the following section:

Deputy
registrar
at large

- 124b. The Inspector may appoint a person to act as a deputy registrar in any registry office as directed by the Inspector, who shall be deemed to be the deputy registrar therein during such period as the Inspector designates.

R.S.O. 1960,
c. 348, s. 126
(1962-63,
c. 124, s. 48),
subs. 1, cl. f,
re-enacted

- 32.**—(1) Clause f of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (f) governing standards for surveys and plans of land to which this Act applies, and procedures for their registration.

(2) Subsection 1 of the said section 126 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 348, s. 126
(1962-63,
c. 124, s. 48),
subs. 1,
amended

(ga) governing the procedures to be followed in connection with judges' plans.

(3) Clause *k* of subsection 1 of the said section 126 is amended by inserting after "alphabetical" in the first line "or deposit", so that the clause shall read as follows:

R.S.O. 1960,
c. 348, s. 126
(1962-63,
c. 124, s. 48),
subs. 1, cl. *k*,
amended

(*k*) governing the content of alphabetical or deposit indexes and dispensing therewith in any registry division.

33. *The Registry Act* is amended by adding thereto the following Part:

R.S.O. 1960,
c. 348,
amended

PART II

DEPOSITS

127. In this Part, "document" includes an instrument and any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land, and a receipt for payment of money under a registered instrument.

Interpre-
tation

128.—(1) A document may be deposited in the office of the registrar of any registry division in which any land to which it relates is situate.

Deposit of
document

(2) The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit.

Effect of
deposit

129. Upon every such deposit, the person making the deposit shall deliver to the registrar in duplicate a requisition in the prescribed form which shall be firmly attached to any number of documents not exceeding ten, and the registrar shall sign a receipt upon the duplicate for the documents therein mentioned, and shall deliver the receipt to the person making the deposit.

Requisition
to be filed
and receipt
given

Each document to be numbered and entered in deposit index

130.—(1) Subject to the regulations, upon receiving the requisition and the documents therein mentioned, the registrar shall enter every document in consecutive order in a book in the prescribed form, to be called the “Deposit Index”, and shall endorse on each document the word “deposited”, with the date and deposit number, and shall also endorse on the requisition the number so placed on the documents therein mentioned.

Names to be entered in alphabetical index

(2) Subject to the regulations, the registrar shall also enter in an alphabetical index, to be called the “Alphabetical Deposit Index”, the number of the deposit and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or, if the document is a certificate or an affidavit or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person.

Entry in abstract index

(3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words “See Deposit No. . . .”.

Copying of deposit

(4) The registrar shall copy in full in a proper registry book every document deposited under this Part or shall record the same at full length by means of photographic film reproduction.

Custody of deposits

(5) The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof.

Sections 17*a* and 19 apply to deposits

131. Sections 17*a* and 19 apply to a document deposited under this Part.

Deposit relieves from liability

132.—(1) The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production.

- (2) An executor, administrator or trustee may reimburse himself out of the estate for any expense that he incurs in or about depositing any document that came into his possession or control as such executor, administrator or trustee.

Expenses of
executors,
etc.

34. *The Registry Act* is amended by adding thereto the following Part:

R.S.O. 1960.
c. 348,
amended

PART III

INVESTIGATION OF TITLES

133. In this Part,

Interpre-
tation

- (a) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrance affecting land;
- (b) "owner" means a person entitled to a freehold, leasehold or other estate or interest in land at law or in equity, possession, in futurity or in expectancy.

134.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or referred to in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, registered against the land within the forty-year period.

Claims un-
registered
for 40 years
expire

(2) Subsection 1 does not apply to,

Exceptions

- (a) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;

(b)

- (b) a claim of the Crown or of a municipality in respect of any public highway or lane;
- (c) a wife's claim to inchoate right to dower in land while her husband is wholly or in part the owner thereof;
- (d) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using; or
- (e) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

- (a) a wife's claim to inchoate right to dower shall be deemed to be acknowledged or referred to in an instrument by which her husband alienates the land;
- (b) an instrument, the entry of which has been ruled off the abstract index under section 73, shall be deemed not to have been registered.

Title shown
for 40 years

- (4) A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2.

Registration
of notice
of claim

- 135.—(1) A person having a claim against land that is not barred under section 134 or a person on his behalf may register in the proper registry office a notice which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

- (2) Notwithstanding subsection 1 of section 134 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 134 may be registered under subsection 1 if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 134.

Registration
not to
validate
expired
claim

- (3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

136. Where there is any conflict between the provisions of this Part and those of any Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

This Part
to prevail
over other
provisions

35. Sections 13, 14, 19 and 35 of *The Registry Amendment Act, 1962-63* are repealed.

1962-63,
c. 124, ss. 13,
14, 19, 35,
repealed

36. Subsection 3 of section 54 of *The Registry Amendment Act, 1962-63* is amended by striking out "13, 14" in the first line, by striking out "19" in the first line and by striking out "35" in the second line.

1962-63,
c. 124, s. 54,
subs. 3,
amended

37. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Validity of
prior
registrations
not affected

38.—(1) This Act, except sections 8, 33 and 34, comes into force on the 1st day of July, 1964.

Commence-
ment

(2) Sections 8, 33 and 34 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

39. This Act may be cited as *The Registry Amendment Act, 1964*.

Short title

CHAPTER 103

**An Act to repeal The Residential and
Farm School Tax Assistance Grants Act, 1960-61**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

- 1.** *The Residential and Farm School Tax Assistance Grants Act, 1960-61* is repealed. 1960-61,
c. 90,
repealed
- 2.** This Act shall be deemed to have come into force on the 1st day of January, 1964. Commence-
ment
- 3.** This Act may be cited as *The Residential and Farm School Tax Assistance Grants Repeal Act, 1964*. Short title

CHAPTER 104

An Act to amend The Retail Sales Tax Act, 1960-61

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 5 of section 1 of *The Retail Sales Tax Act, 1960-61* is amended by striking out “and” at the end of clause *b*, by adding “and” at the end of clause *c* and by adding thereto the following clause:

- (*d*) the cost, including materials, labour and manufacturing overhead, of tangible personal property produced by the vendor or person for his own consumption or use.

(2) The said section 1 is amended by adding thereto the following paragraph:

- 8a. “registered consumer” means a person who brings or imports into Ontario tangible personal property for his own use or consumption that has a fair value exceeding \$100 in each of two months or more during a calendar year and who holds a valid consumer’s permit.

2.—(1) Subsection 3 of section 2 of *The Retail Sales Tax Act, 1960-61* is repealed.

(2) Subsection 6a of the said section 2, as enacted by section 2 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed.

(3) Subsection 7 of the said section 2 is amended by adding at the end thereof “and at the same time shall pay to Her Majesty in right of Ontario the same tax in respect of the consumption and use of such property as would have been payable if the property had been purchased at a retail sale in Ontario”, so that the subsection shall read as follows:

Tangible
personal
property
brought
into or
received
in Ontario

- (7) Every person residing or ordinarily resident or carrying on business in Ontario, who brings into Ontario or who receives delivery in Ontario of tangible personal property acquired by him for value for his own consumption or use, or for the consumption or use of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply him with the invoice and all other pertinent information required by him in respect of the consumption or use of such property and at the same time shall pay to Her Majesty in right of Ontario the same tax in respect of the consumption and use of such property as would have been payable if the property had been purchased at a retail sale in Ontario.

1960-61,
c. 91, s. 3,
subs. 3,
amended

3. Subsection 3 of section 3 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Comptroller".

1960-61,
c. 91, s. 5,
amended

4. Section 5 of *The Retail Sales Tax Act, 1960-61*, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and section 2 of *The Retail Sales Tax Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

61. buses, excluding school buses, when purchased in good faith to provide public transportation within a municipality as defined by the Treasurer;
62. tangible personal property that is purchased in good faith pursuant to a contract entered into on or after the 1st day of June, 1964, for use exclusively and not for resale by the governing board of a hospital, nurses' residence, school or university and that will be incorporated into and form part of a hospital, nurses' residence, school or university building;
63. tangible personal property that is purchased in good faith pursuant to a contract entered into on or after the 1st day of June, 1964, for use exclusively and not for resale by a municipality or a local board thereof and that enters directly into and becomes part of the construction of capital works.

1960-61,
c. 91, s. 5a
(1961-62,
c. 126, s. 4),
subs. 1,
re-enacted

5. Subsection 1 of section 5a of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (1) Where a person acquires title to tangible personal property by bequest or from a member of his family and no consideration is payable by the purchaser in respect of the acquisition, the tax imposed by subsection 1 of section 2 does not apply. Conditional exemptions

6. Section 10 of *The Retail Sales Tax Act, 1960-61* is 1960-61,
c. 91, s. 10,
amended amended by adding thereto the following subsection:

- (2) Every registered consumer shall make returns to the Comptroller and shall keep such records in the form and substance as are prescribed by regulation, and any failure so to do constitutes an offence against this Act. Idem

7. Section 12 of *The Retail Sales Tax Act, 1960-61* is 1960-61,
c. 91, s. 12,
re-enacted repealed and the following substituted therefor:

- 12.—(1) Subject to subsection 2, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information to be secret

- (2) The Treasurer may,

(a) communicate or allow to be communicated information obtained under this Act; or Communication of information to other jurisdictions

- (b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

8. Section 15 of *The Retail Sales Tax Act, 1960-61*, as 1960-61,
c. 91, s. 15
(1961-62,
c. 126, s. 6),
amended re-enacted by section 6 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "and the purchaser may be sued therefor in any court of competent jurisdiction" in the fifth and sixth lines and inserting in lieu thereof "thereof", so that the section shall read as follows:

Purchaser
liable
for tax

15. The purchaser is liable for the tax imposed by this Act until it is collected, and, where the purchaser refuses to pay the tax at the time it is collectable under section 7, the vendor shall immediately notify the Comptroller thereof.

1960-61,
c. 91, s. 16,
re-enacted

9. Section 16 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Tax moneys
are trust
moneys

- 16.—(1) Every vendor who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and is responsible for the payment over of it in the manner and time provided under this Act and the regulations.

Tax moneys,
etc., are
lien

- (2) Every tax collectable or penalty payable by a vendor under this Act is a first lien and charge upon his property in Ontario for the amount of such tax or penalty and has priority over all other claims of any person.

1960-61,
c. 91, s. 25,
amended

10. Section 25 of *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following subsections:

Liability
of registered
consumers
to pay
penalties

- (4) Every registered consumer who fails to deliver a return as and when required shall pay a penalty of,
- (a) an amount equal to 5 per cent of the tax that was payable by him for the period covered by the return, if the amount of such tax was less than \$10,000; or
 - (b) \$500, if the amount of such tax was \$10,000 or more.

Idem

- (5) Every registered consumer who fails to complete the information required on the return to be delivered under subsection 2 of section 10 is liable to a penalty of 1 per cent of the tax payable by him for the period covered by the return, but such penalty shall not in any case be less than \$20 or more than \$100.

1960-61,
c. 91, s. 31,
amended

11. Section 31 of *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following subsections:

Non-resident
contractors

- (3) Where a non-resident contractor enters into a contract with a person, pursuant to which or in the carrying out of which tangible personal property will be consumed or used in Ontario, the non-resident contractor shall deposit with the Treasurer a sum

equivalent

equivalent to 3 per cent of the total amount to be paid under the contract, or shall furnish the Treasurer with a guarantee bond satisfactory to the Treasurer in a sum equivalent to 3 per cent of such total amount, to secure payment of the tax payable in respect of tangible personal property consumed or used pursuant to or in the carrying out of the contract and shall obtain a certificate in duplicate from the Treasurer that the requirements of this subsection have been met.

- (4) Any person dealing with a non-resident contractor ^{Idem} without first obtaining the duplicate copy of the certificate from the Treasurer as required in subsection 3 shall deduct 3 per cent of all amounts payable to the non-resident contractor and pay it over to the Treasurer on behalf of or as agent for the non-resident contractor, or shall furnish the Treasurer with a guarantee bond satisfactory to the Treasurer in a sum equivalent to 3 per cent of such total amount, to secure payment of the tax payable in respect of tangible personal property consumed or used pursuant to or in the carrying out of the contract.

- (5) Where a person dealing with a non-resident contractor fails to comply with subsection 4, he is personally liable for payment of the tax imposed by this Act in respect of tangible personal property consumed or used pursuant to or in the carrying out of the contract. ^{Idem}

12.—(1) Subclause ii of clause *e* of subsection 2 of section 39 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

1960-61,
c. 91, s. 39,
subs. 2,
cl. *e*,
subcl. ii,
re-enacted

- (ii) the governing body of any hospital, nurses' residence, school or university in respect of tangible personal property that is purchased by such governing body pursuant to a contract entered into on or before the 31st day of May, 1964, and that enters directly into and becomes part of the construction of a hospital, nurses' residence, school or university building, where the personal property in respect of which the rebate is claimed was not purchased exempt from tax under this Act.

(2) Subclause iii of clause *e* of subsection 2 of the said section 39, as amended by section 7 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

1960-61,
c. 91, s. 39,
subs. 2,
cl. *e*,
subcl. iii,
re-enacted

- (iii) a municipality, or local board thereof, in respect of tangible personal property that is purchased pursuant to a contract entered into on or before the 31st day of May, 1964, and that enters directly into and becomes part of the construction of capital works, where the personal property in respect of which the rebate is claimed was not purchased exempt from tax under this Act.

Commence-
ment

13.—(1) Subject to subsection 2, this Act comes into force on the day it receives Royal Assent.

Idem

(2) Paragraph 61 of section 5 of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of this Act, shall be deemed to have come into force on the 1st day of March, 1964.

Short title

14. This Act may be cited as *The Retail Sales Tax Amendment Act, 1964*.

CHAPTER 105

An Act to amend The Schools Administration Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Schools Administration Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 361, s. 1,
subs. 2,
amended

26a. "population of a county or municipality or a portion thereof" means the population determined by reference to the last municipal census of the municipality or municipalities concerned, less the number of inmates in public institutions in each municipality or portion thereof concerned as certified by the clerk of each municipality concerned.

2.—(1) Subsection 4 of section 17 of *The Schools Administration Act* is amended by inserting after "a" in the first line "permanent or probationary", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 17,
subs. 4,
amended

(4) Subject to subsection 5, a permanent or probationary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition. Payment for
absence due
to illness
or dental
condition

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 361, s. 17,
amended

(4a) Subject to subsection 5, a temporary teacher is Idem
entitled to his salary for two days in respect of each month of his employment in any school year in

respect

respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than such two days absence from duty on account of such sickness or such tooth or gum condition.

R.S.O. 1960,
c. 361, s. 19,
subs. 2,
repealed

3. Subsection 2 of section 19 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 22,
subs. 2,
cl. f,
re-enacted

4. Clause *f* of subsection 2 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor:

unauthorized
texts

(f) to prevent the use by pupils of text-books that are not approved under the regulations.

R.S.O. 1960,
c. 361, s. 23,
subss. 2-4,
repealed

5. Subsections 2, 3 and 4 of section 23 of *The Schools Administration Act* are repealed.

R.S.O. 1960,
c. 361, s. 34,
amended

6. Section 34 of *The Schools Administration Act* is amended by adding thereto the following paragraph:

provide
text-books

11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the text-books that are required by the regulations to be purchased by the board.

R.S.O. 1960,
c. 361, s. 35,
amended

7. Section 35 of *The Schools Administration Act*, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61* and section 2 of *The Schools Administration Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

children in
charitable
organiza-
tions

33. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use, and any children being so educated are subject to this Act, *The Public Schools Act, The Separate Schools Act, The Secondary Schools and Boards of Education Act* and the regulations;

R.S.O. 1960,
cc. 330, 368,
362

34. where, in co-operation with business and industry, a board provides for pupils' training programmes designed to supplement the courses given in its

accident
and public
liability
insurance
re work-
experience
programmes

schools,

schools, the board may provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidentally injured while participating in such a programme and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a programme.

R.S.O. 1960,
c. 190

8. Section 36 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 36,
re-enacted

36.—(1) A board with more than three trustees may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows:

Honorarium
for trustees

Average Daily Attendance	Maximum Monthly Honorarium
Fewer than 60.....	\$ 5
60 or more but fewer than 100.....	7
100 " " " " " 200.....	10
200 " " " " " 300.....	15
300 " " " " " 600.....	20
600 " " " " " 1,000.....	30
1,000 " " " " " 2,000.....	40
2,000 " " " " " 3,000.....	50
3,000 " " " " " 6,000.....	60
6,000 " " " " " 10,000.....	70
10,000 " " " " " 20,000.....	90
20,000 " " " " " 30,000.....	110
30,000 " " " " " 60,000.....	130
60,000 or more.....	150

(2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

Trustees
appointed
for second-
ary school
purposes
only

(3) A board of education or a high school board may pay to each member of an advisory vocational committee appointed by the board, who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

Members of
advisory
vocational
committees

Mileage
allowance
for board
meetings

- (4) A board with more than three trustees may pay to a trustee an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or a committee of the board that is held within the boundaries of its jurisdiction.

Expenses for
authorized
travel on
board
business

- (5) A board may authorize a trustee, teacher or official of the board to travel on designated business of the board, and may reimburse the trustee, teacher or official his actual expenses for transportation, room and meals or such lesser amount as may be determined by the board.

Deduction
because of
absence

- (6) A board may provide for a deduction of a reasonable amount from the honorarium of a trustee because of absence from regular or committee meetings of the board.

R.S.O. 1960,
c. 361, s. 37,
amended

9. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections:

Pupils in
unorganized
territory

- (2a) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates.

Idem

- (2b) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone, to a school that the board operates.

R.S.O. 1960,
c. 361, s. 81,
subs. 6,
re-enacted

10. Subsection 6 of section 81 of *The Schools Administration Act* is repealed and the following substituted therefor:

Secondary
school
inspectors

- (6) Where the average attendance of pupils in the secondary schools operated by a high school board or board of education in any year is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint one or more secondary school inspectors, whose appointment or removal is not effective until approved by the Minister.

Separate
school
inspectors

- (7) Where the average attendance of pupils in the separate schools operated by a board in a separate school zone in any year is 40,000 or more, the board may request the Minister to designate the separate

school

school zone as a municipal inspectorate, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.

11. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 361,
amended

PART XI

REDUCTION OF SCHOOL TAXES ON RESIDENTIAL AND FARM ASSESSMENT

101. In this Part,

Interpre-
tation

(a) “commercial assessment” means,

(i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and

(ii) business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(b) “residential and farm assessment” means the assessment for real property except the assessment for real property mentioned in sub-clauses i and iii of clause a, according to the last revised assessment roll.

102.—(1) The clerk of a municipality shall in each year furnish to each school board having jurisdiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which

Data
furnished,
by the
municipality

rates

rates for the support of the board will be levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board.

by clerk
of county

- (2) Where a county has issued debentures for the purposes of a board, the clerk of the county shall in each year furnish information to the board respecting the amount due and payable in the current year for debt charges on such debentures.

Estimates
for basis
of rates

- 103.—(1) For the purposes of determining the rates, every school board in preparing its estimates shall include the amount of debt charges due in the current year in respect of the board.

Apportion-
ment of
estimates

- (2) Every board that is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization shall apportion its estimates as determined under subsection 1 in accordance with the provisions of the Act under which the board operates.

Submission
of estimates
of board
to council

- 104.—(1) Every public and secondary school board shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 103.

Idem

- (2) Where the board is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization, it shall indicate to the council of each municipality concerned the amount of the estimates that is to apply to that municipality.

Determina-
tion of
rates

- 105.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner:

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the amount estimated by the board under section 103 to be raised by taxation in the municipality or territory without municipal organization by 1000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.

4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.
 - (2) Except in the case of public and secondary school boards that have jurisdiction only in territory without municipal organization, secondary school boards in the part of the secondary school districts in territory without municipal organization and separate school boards, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality. ^{Who to determine rates}
- 106.—(1) The council of each municipality shall withhold ^{Withholding of debenture levy} from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.
- (2) Where the debt charges payable by a municipality on behalf of a board are more than the amount levied by the municipality for the cost of operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable. ^{Deficiency payable by board}
107. The assessor of each municipality and each assessor ^{Assessment roll} in territory without municipal organization, in addition to the particulars required under subsection 2 of section 20 of *The Assessment Act*, shall set down ^{R.S.O. 1960, c. 23} in separate columns the following particulars:
1. The commercial assessment for public school purposes.
 2. The residential and farm assessment for public school purposes.
 3. The commercial assessment for separate school purposes.
 4. The residential and farm assessment for separate school purposes.
 5. Where two or more high school districts, or parts thereof, are situated in the municipality, the high school districts and the commercial assessment and residential and farm assessment in each high school district.

Levying
of school
rates

108. The council of every local municipality, every public and secondary school board that has jurisdiction only in territory without municipal organization, every secondary school board in the part of the secondary school district in territory without municipal organization and every separate school board in each year shall levy or cause to be levied on the whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be.

This Part
to prevail
where
conflict

109. In the event of a conflict between any provision in this Part and any provision in any other general or special Act, the provision in this Part prevails.

R.S.O. 1960,
c. 361,
amended

12. *The Schools Administration Act* is amended by adding thereto the following Part:

PART XII

RETARDED CHILDREN'S EDUCATION AUTHORITIES

Interpre-
tation

110. In this Part,

- (a) "Authority" means a Retarded Children's Education Authority;
- (b) "local association" means a parents' group that is affiliated with the Ontario Association for Retarded Children;
- (c) "maintenance" includes the acquisition of furniture, furnishings, books, instructional equipment and apparatus and supplies and of vehicles for the transportation of pupils;
- (d) "municipality" includes The Municipality of Metropolitan Toronto but does not include an area municipality within the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;
- (e) "retarded child" means a child under eighteen years of age whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age.

R.S.O. 1960,
c. 260

- 111.—(1) A local association may request the council of a municipality in which, or in a municipality adjacent thereto, there are resident at least ten retarded children whose parents are represented by the local association to establish an Authority to operate a school or schools in the municipality for the education of retarded children, and, subject to the approval of the Minister being first obtained, the council shall by by-law establish an Authority for such purpose. ^{Establishment of Authority}
- (2) Every Authority is a corporation by the name of "The (*insert name of municipality*) Retarded Children's Education Authority". ^{Name}
- (3) Where an Authority is established at the request of a local association, the local association shall not be wound up nor its real property disposed of without the consent of the Minister. ^{Consent of Minister required to dispose of real property of local association}
- (4) An Authority may commence to operate a school or schools after the 1st day of January following its establishment. ^{When Authority to commence operation}
112. Every local association that now operates a school shall be deemed to have requested the municipality in which the school is located to establish an Authority, and the Authority is hereby established to operate a school or schools in such municipality for the education of retarded children. ^{Authorities established where school being operated}
- 113.—(1) Subject to subsection 2, every Authority shall be composed of six members of which, ^{Composition of Authority}
- (a) two shall be appointed by the local association that requested the establishment of the Authority; and
 - (b) four shall be appointed by the council of the municipality in which the school operated by the Authority is located.
- (2) An Authority established for The Municipality of Metropolitan Toronto shall be composed of six members of which, ^{in Metropolitan Toronto}
- (a) two shall be appointed by the Metropolitan Toronto Association for Retarded Children; and
 - (b) four shall be appointed by the council of The Municipality of Metropolitan Toronto.

Term of office	(3) Subject to subsection 4, the members of an Authority shall hold office for two years and until their successors are appointed.
Appointment of first members	(4) Of the first members appointed by a local association and by a council, one-half shall be appointed for a term of one year and one-half for a term of two years, and thereafter members shall be appointed for a term of two years.
Filling of vacancies	(5) Where a vacancy on an Authority occurs for any reason, the local association or council that appointed the member whose office is vacant shall appoint another person to hold office for the remainder of the term of the member whose office is vacant.
Responsibility of local associations for school premises	114.—(1) Where an Authority is established at the request of a local association, the local association is responsible for providing school premises without charge for the use of the Authority.
Personal property used for school vested in Authority	(2) Where an Authority is established to operate a school formerly operated by a local association, the furniture, furnishings, books, instructional equipment and apparatus and supplies that are being used for the purposes of such school at the time the Authority is established are vested in the Authority.
Right of child to attend school	115.—(1) Subject to subsections 2 and 4, a retarded child who is resident in the municipality in which a school is operated by an Authority or who is resident in an adjoining municipality in which no school for retarded children is operated has the right to attend the school if in the opinion of the admissions board he may profit by attendance at the school.
in Metropolitan Toronto	(2) Subject to subsection 4, a retarded child resident in The Municipality of Metropolitan Toronto has the right to attend a school operated by the Authority established for The Municipality of Metropolitan Toronto if in the opinion of the admissions board he may profit by attendance at the school.
Admission of other children	(3) Subject to subsection 4, an Authority may admit retarded children to a school operated by the Authority who do not have the right to attend such a school under subsection 1 or 2.

- (4) Subject to the regulations, retarded children may be admitted to or dismissed from a school operated by an Authority only upon the recommendation of an admissions board consisting of
- (a) the principal of the school;
 - (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the Authority;
 - (c) the local public school inspector; and
 - (d) the local separate school inspector.
- (5) The principal of the school shall be the chairman of the admissions board, and, where there is more than one local public or separate school inspector in the municipality, the inspector named by the Minister shall be the member of the admissions board under clause *c* or *d* of subsection 4.
- 116.—(1) Every Authority shall prepare and submit to the council of the municipality in which its school is located, before such time as the council may prescribe, estimates for the current year of all sums required to be provided to meet expenditures for the maintenance of the school or schools operated by the Authority, and shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues to be derived by the Authority during the current year from all sources.
- (2) The council of the municipality shall levy and collect each year and transfer to the Authority from time to time as required, but not later than the 15th day of December, such amount as the Authority may deem necessary for the maintenance of the school or schools operated by the Authority.
- 117.—(1) Where a retarded child is admitted to a school operated by an Authority but is resident in a municipality other than the municipality in which the school is located, the municipality in which the child resides shall pay to the Authority a tuition fee not exceeding the net cost per child based on the average daily attendance of such school in the preceding year.

Notification
of muni-
cipality

(2) When a retarded child in respect of whom a municipality is liable for the payment of fees is admitted to a school operated by an Authority, the Authority shall forthwith notify the clerk of the municipality of the admission of such child.

Closing of
school

118. Where for two consecutive years fewer than ten retarded children are enrolled in a school operated by an Authority, the Minister may direct that the school shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs.

Trans-
portation

119. An Authority may provide transportation for its pupils and for such purpose may purchase one or more vehicles or enter into an agreement with any person for the transportation of such pupils.

Information
to auditors

120. Section 89 applies *mutatis mutandis* to every Authority and to the secretary, treasurer and members of an Authority.

Commence-
ment

13.—(1) This Act, except sections 2, 8, 10 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 11 shall be deemed to have come into force on the 1st day of January, 1964.

Idem

(3) Sections 8 and 10 come into force on the 1st day of January, 1965.

Short title

14. This Act may be cited as *The Schools Administration Amendment Act, 1964*.

CHAPTER 106

An Act to amend The Secondary Schools and Boards of Education Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960,
c. 362, s. 1,
subs. 1,
repealed

(2) Subsection 2 of the said section 1, as amended by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is further amended by adding "or" at the end of clause *b* in the amendment of 1960-61 and by adding thereto the following clause: R.S.O. 1960,
c. 362, s. 1,
subs. 2,
amended

(c) if he is over twenty-one years of age and resides and is assessed in the high school district or has resided in the high school district for the twelve months immediately before his admission to a secondary school.

(3) Subsection 3 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed. R.S.O. 1960,
c. 362, s. 1,
subs. 3
(1960-61,
c. 93, s. 1,
subs. 2),
repealed

2. Subsections 8 and 9 of section 2 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960,
c. 362, s. 2,
subs. 8, 9,
repealed

3. Section 12 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 362, s. 12,
amended

(1a) Where any part or parts of a township are not included in a secondary school district, the council of the county of which the township forms a part shall, by by-law passed before the 1st day of July, 1964, attach such part or parts of the township to a high school district in accordance with subsection 1 of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January, 1965. Responsi-
bility of
county to
include all
parts of
county in
high school
district

R.S.O. 1960,
c. 362, s. 21
(1962-63,
c. 130, s. 5),
subs. 2, cl. a,
amended

4. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is amended by inserting after "board" in the third line "except a planning board", so that the clause shall read as follows:

- (a) who is a member of any other elementary or secondary school board or of the council or local board, except a planning board, of a municipality or county all or part of which is included in the high school district, unless before his appointment he has filed his resignation with the secretary of the other board or with the clerk of the municipality or county, as the case may be.

R.S.O. 1960,
c. 362, s. 26,
subs. 2,
amended

5. Subsection 2 of section 26 of *The Secondary Schools and Boards of Education Act* is amended by striking out "may borrow money as provided in section 37 and" in the first and second lines, so that the subsection shall read as follows:

Powers and
duties

- (2) The board shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

R.S.O. 1960,
c. 362, s. 35,
subs. 6,
amended

6.—(1) Subsection 6 of section 35 of *The Secondary Schools and Boards of Education Act* is amended by inserting after "municipalities" in the second line "in a county" and by striking out "subsections 1 to 5" in the third line and inserting in lieu thereof "subsection 1, 2 or 5", so that the subsection shall read as follows:

Request
for
arbitration

- (6) Subject to subsection 12, where the council of one of the municipalities in a county is of the opinion that the division of liability in accordance with subsection 1, 2 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,
c. 23

(2) The said section 35 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 362, s. 35,
amended

- (6a) Subject to subsection 12, where the council of a municipality in a territorial district is of the opinion that the division of liability in accordance with subsection 3 or 5 imposes an undue burden on the rate-payers of the municipality or part, the council may apply to the board of the high school district, within fifteen days after the assessment rolls of all the municipalities concerned have been revised by the court of revision, for an arbitration to determine the proportion of the liability each municipality shall bear in the following year. by
municipalities in
territorial
districts

7. Section 37 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960,
c. 362, s. 37,
repealed

8.—(1) Clauses *b* and *c* of subsection 3, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of section 42 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 42,
subs. 3
(1961-62,
c. 131, s. 4),
cls. *b*, *c*,
re-enacted

(*b*) one person, appointed by the board, who is an employee in manufacturing, agricultural, commercial or other industry; and

(*c*) one person, appointed by the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry.

(2) Clauses *b* and *c* of subsection 4, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of the said section 42 are repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 42,
subs. 4
(1961-62,
c. 131, s. 4),
cls. *b*, *c*,
re-enacted

(*b*) two persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and

(*c*) two persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

(3) Clauses *b* and *c* of subsection 5, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of the said section 42 are repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 42,
subs. 5
(1961-62,
c. 131, s. 4),
cls. *b*, *c*,
re-enacted

(*b*)

- (b) three persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and
- (c) three persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

R.S.O. 1960,
c. 362, s. 45,
re-enacted

9. Section 45 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Qualifica-
tions of
members

- 45. The appointed members and co-opted members of the advisory vocational committee shall, in addition to their technical or business qualifications, have the qualifications required for the members of the board by which they are appointed.

R.S.O. 1960,
c. 362, s. 46,
subss. 1, 2,
re-enacted

10. Subsections 1 and 2 of section 46 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Powers of
committee

- (1) The advisory vocational committee shall make recommendations to the board with respect to a suitable site, building and equipment, or for the conducting of a school in another building in the high school district, and with respect to courses of study.

Idem

- (2) The advisory vocational committee shall make recommendations to the board with respect to the selection and salary schedules of vocational teachers and shall co-operate with the building, education, finance, property, salary and other committees of the board in all matters affecting vocational education in the vocational and composite schools under the jurisdiction of the board.

R.S.O. 1960,
c. 362, s. 51,
subs. 4,
amended

11.—(1) Subsection 4 of section 51 of *The Secondary Schools and Boards of Education Act* is amended by striking out "or 5" in the second line, so that the subsection shall read as follows:

Board in
unorganized
territory

- (4) Where a high school district has been established under subsection 4 of section 12, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board.

(2) The said section 51 is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 51, amended

- (4a) Where a high school district has been established under subsection 5 of section 12, the Minister may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board. Board for high school district on exempt lands

12. Clause *a* of subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 55, subs. 1, cl. a, re-enacted

(a) of less than 500 shall elect one member;

(aa) of 500 or more but less than 1,000 shall elect two members.

13. Section 64 of *The Secondary Schools and Boards of Education Act* is amended by striking out "or union boards of education" in the fifth line, so that the section shall read as follows: R.S.O. 1960, c. 362, s. 64, amended

64. The provisions of *The Public Schools Act* and Parts II and III that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education. Application of R.S.O. 1960, c. 330

14. Section 65 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 65, re-enacted

- 65.—(1) In a county, the board of a high school district that consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district. Declaring schools open

- (2) The board of a secondary school district in a county, other than a high school district that consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district. Idem

Idem

- (3) The board of a secondary school district in a territorial district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county.

Idem

- (4) The board of any high school district may by resolution or by-law declare all or any of its vocational schools open to resident pupils of any secondary school district.

Notice

- (5) Where a school is declared open under this section, the board shall notify the secretary of the board of the secondary school district concerned.

Revocation
of
declaration

- (6) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the secretary of the board of the secondary school district concerned that the school or schools will no longer be open to the resident pupils, and upon the giving of such notice such resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year.

R.S.O. 1960,
c. 362, s. 68,
re-enacted

15. Section 68 of *The Secondary Schools and Boards of Education Act*, as amended by section 11 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Right of
resident
pupils to
attend
school

- 68.—(1) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.

Resident
pupils

- (2) Subject to subsections 3, 4 and 6, a resident pupil of a secondary school district has the right to attend any secondary school,
- (a) that is more accessible to the pupil than any secondary school in his own secondary school district;
- (b) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

(c)

- (c) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme, if the programme is not available in the secondary school district in which he is resident;
 - (d) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;
 - (e) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field, if the course is not available in the secondary school district in which he is resident;
 - (f) to take a grade 13 subject or subjects not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
 - (g) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13 not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.
- (3) Subsection 2 applies to a resident pupil of a secondary school district in a county only if, ^{Restrictions}
- (a) the school has been declared open to such pupils; and
 - (b) in the case of a high or continuation school, the school is situated in his own county outside a city or separated town or is situated
- in

in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem

- (4) Subsection 2 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school.

Non-
resident
pupils

- (5) At its discretion, a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school.

Where
agreement
between
boards

- (6) Clauses *b, c, d, e, f* and *g* of subsection 2 do not apply to a resident pupil of a high school district if the board of the high school district has entered into an agreement with another high school board under subsection 2 of section 30 or under section 66 and the courses and subjects referred to in such clauses are offered in the schools covered by the agreement.

R.S.O. 1960,
c. 362, s. 69,
repealed

16. Section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 12 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 362, s. 70,
subs. 1,
subs. 2
(1961-62,
c. 131, s. 6),
re-enacted

17.—(1) Subsection 1 and subsection 2, as re-enacted by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of section 70 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Where no
fees payable

- (1) No fees are payable by or in respect of a resident pupil of a secondary school district attending a secondary school maintained by the board of the district.

Fees
payable

- (2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated as follows:

1. (a) First, the total gross current expenditures shall be ascertained for the calendar year for,
 - (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding transportation, tuition fees and the operation of evening courses of study,
 - (ii) permanent improvements for the schools, excluding the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province, and
 - (iii) debt charges.
- (b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from all sources excluding legislative grants, taxation, tuition fees and recovery of costs from Ontario.
- (c) Third, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such deduction shall be the sum upon which the gross cost of education of such resident pupils shall be based and calculated.
- (d) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the sum ascertained as provided in clause *c*, and the resultant amount shall be the gross cost per pupil-day of all such pupils.
- (e) Fifth, the perfect aggregate attendance of all resident pupils attending schools in the other secondary school district during the same calendar year shall be multiplied by the amount of the gross cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the gross cost of education of such resident pupils.

2. The cost of education of such resident pupils attending a vocational school in another high school district shall be calculated in the manner provided in paragraph 1, except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board.

R.S.O. 1960,
c. 362, s. 70,
subs. 3,
amended

(2) Subsection 3 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69, as the case requires" in the fourth and fifth lines and inserting in lieu thereof "paragraph 1 or 2 of subsection 2, as the case requires, except that legislative grants other than the grants on transportation, tuition fees and evening courses of study shall not be excluded in clause *b* of paragraph 1 of subsection 2".

R.S.O. 1960,
c. 362, s. 70,
subs. 4,
amended

(3) Subsection 4 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69, as the case requires" in the seventh and eighth lines and inserting in lieu thereof "subsection 3".

R.S.O. 1960,
c. 362, s. 70,
subs. 6,
amended

(4) Subsection 6 of the said section 70 is amended by striking out "sections 68 and 69" in the first line and inserting in lieu thereof "section 68 and subsections 1 to 5" and by striking out "subsection 4 or 5 of section 69, as the case requires" in the ninth and tenth lines and inserting in lieu thereof "subsection 3".

R.S.O. 1960,
c. 362, s. 72,
re-enacted

18. Section 72 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Admission
of resident
pupil from
other
district

72.—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

- (a) the name of the secondary school district in respect of which he is a resident pupil;
- (b) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and
- (c) the authority, under this Act, under which the pupil claims to have a right to attend the school.

- (2) The principal of the school shall forward the statement to the secretary of the board that operates the school and, if the pupil is admitted, the secretary of the board shall forthwith notify the secretary of the board of the district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement. Notice of admission

19.—(1) Subsection 1 of section 73 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 73, subs. 1, re-enacted

(1) Where,

- (a) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 70; or
- (b) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 70,

Disagreements as to cost of education or fees

the matter shall be referred to the county judge who shall determine the matter.

(2) Subsection 3 of the said section 73 is amended by striking out “the cost of education of the county pupils to be paid by the county” in the tenth and eleventh lines. R.S.O. 1960, c. 362, s. 73, subs. 3, amended

20. Section 75 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960, c. 362, s. 76, repealed

21.—(1) This Act, except subsections 2 and 3 of section 1 and sections 2, 14, 15, 16, 17, 18, 19 and 20, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem

(3) Subsection 3 of section 1 and sections 2, 14, 15, 16, 17, 18, 19 and 20 come into force on the 1st day of January, 1965. Idem

22. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1964*. Short title

CHAPTER 107

An Act to amend The Securities Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Securities Act* is repealed.

R.S.O. 1960,
c. 363, s. 15,
repealed

2. Section 64 of *The Securities Act*, as amended by section 20 of *The Securities Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 363, s. 64,
re-enacted

64.—(1) Every person or company who,

Offences

- (a) makes a material false statement in any application, information, statement, material or evidence, submitted or given to the Commission, its representative, the director or the registrar or to any person appointed to make an investigation or audit under this Act, under this Act or the regulations;
- (b) furnishes false information in any report, statement, return, balance sheet or other document required to be filed or furnished under this Act or the regulations;
- (c) contravenes this Act or the regulations; or
- (d) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Companies

- (2) Where a company is convicted under subsection 1, the maximum penalty that may be imposed upon the company is \$25,000 and not as provided therein.

R.S.O. 1960,
c. 363, s. 72,
cl. a,
re-enacted

3. Clause *a* of section 72 of *The Securities Act* is repealed and the following substituted therefor:

- (a) prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Securities Amendment Act, 1964*.

CHAPTER 108

An Act to amend The Separate Schools Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part I of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
 c. 368,
 Part I
 (ss. 1-15),
 re-enacted

PART I

PROTESTANT SEPARATE SCHOOLS

- 1.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants. Application to establish Protestant separate schools
- (2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants. Permission to establish
- (3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics. Restrictions on establishment
2. Where a Protestant separate school is to be established in a township, the township council shall determine the location of the school. Location in township
3. A Protestant separate school board in an urban municipality may operate one school in each ward, or one school to serve two or more wards. Location in urban municipality

Effective
date

4. A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be.

Notice to
be supporter,
exemption
from public
school rates

- 5.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal
required

- (2) The notice is not required to be renewed annually.

Certificate
of notice

- (3) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for
wilful false
statements
in notice

- (4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of \$40.

As to rates
imposed
before
Protestant
separate
school
established

- (5) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the Protestant separate school.

Withdrawal
of support

6. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a supporter of a Protestant separate school.

Index book

- 7.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the names of Protestants

who

who wish to become supporters of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of Roman Catholics who wish to become supporters of a Roman Catholic separate school.

- (2) The index book shall be open to inspection by any ratepayer. Inspection
- (3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 5 and 6. Filing of notices
- (4) The assessor shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. Assessor to be guided by index
- 8.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes. Not to share in public school assessment
- (2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. Share of legislative grants
- 9.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the public school inspector designated by the Minister and to the Minister in such form and at such times as the inspector or the Minister may require. Reports
- (2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the board to make a copy of the roll. Use of assessor's roll by board
10. Every person who is assessed as a Protestant separate school supporter and whose name appears on the voters' list of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees and on any school question. Qualification of a voter
- 11.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school. Qualification of a trustee

Election
of trustees

- (2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part II with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate schools.

Corporate
name of
board

12. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the (*City, Town, Village or Township*) of.....".

Powers of
board

13. A Protestant separate school board has the same powers as a rural public school board in territory without municipal organization, and the regulations under *The Department of Education Act* with respect to elementary schools apply to every Protestant separate school board.

R.S.O. 1960,
c. 94

Discontinuing
board

14. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board and may be re-established in the manner provided in section 1.

Application
of ss. 28-31,
55-57

15. Sections 28 to 31 and 55 to 57 apply in respect of Protestant separate schools and Protestant separate school boards.

R.S.O. 1960,
c. 368, s. 22,
amended

2. Section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61* and section 3 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Agreements
between
public and
separate
school
boards

- (12a) A separate school board and a public school board may by agreement provide that, where accommodation is available in the schools operated by the public school board, as certified by the public school inspector, the public school board shall furnish education in such course or courses as are not available in the separate schools operated by the separate school board for part or all of the pupils of such separate schools, and the separate school board shall pay to the public school board for each of such pupils a fee not in excess of the gross cost per pupil per day for the preceding year.

3.—(1) Subsection 5 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 5, re-enacted

- (5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negatived. Chairman, duties

(2) Subsection 15 of the said section 27 is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 15, re-enacted

- (15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and, Counting votes, tie vote

(a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of a tie vote on a question, the question is deemed to be negatived.

4. Subsection 3 of section 32a of *The Separate Schools Act*, as enacted by section 5 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "If" in the first line "before the 1st day of July in any year", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 32a (1961-62, c. 132, s. 5), subs. 3, amended

- (3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. When school detached

5.—(1) Clause b of subsection 3 of section 45 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 45, subs. 3, cl. b, re-enacted

- (b) to arrange for the payment monthly of teachers' salaries. payment of salaries

R.S.O. 1960,
c. 368, s. 45,
subs. 3,
cl. d,
amended

(2) Clause *d* of subsection 3 of the said section 45 is amended by striking out "and dumb" in the fourth line, so that the clause shall read as follows:

report on
deaf or
blind

(d) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf or blind.

R.S.O. 1960,
c. 368, s. 48
(1962-63,
c. 132, s. 8),
subs. 8,
re-enacted

6. Subsection 8 of section 48 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Urban
separate
school
zone

(8) Subject to section 49, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within a radius of three miles from a centre in the urban municipality and that is within an urban municipality in which a separate school board has not been established or within a township.

R.S.O. 1960,
c. 368, s. 49
(1962-63,
c. 132, s. 8),
subs. 1-3,
re-enacted;
subs. 4,
repealed

7. Subsections 1, 2, 3 and 4 of section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Boundaries
where zones
overlap in
township,
etc.

(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the inspector shall, after he has consulted with the boards involved, determine a boundary between each of the zones in the township or territory.

When
alteration
effective

(2) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

Appeal

(3) A separate school board or a separate school supporter affected by the determination of the inspector may appeal the determination to the county judge before the 1st day of August following the determination.

R.S.O. 1960,
c. 368, s. 53,
subs. 1
(1961-62,
c. 132, s. 8),
amended

8. Subsection 1 of section 53 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1961-62*, is amended by striking out "give notice thereof in writing, on or before the 30th day of September"

in the second, third and fourth lines and inserting in lieu thereof "on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year", so that the subsection shall read as follows:

- (1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year, Notice of withdrawal of support
 - (a) where the separate school is situated in a municipality, to the clerk of the municipality; or
 - (b) where the separate school is situated in territory without municipal organization,
 - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
 - (ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

9. Section 72 of *The Separate Schools Act* is repealed.

R.S.O. 1960,
c. 368, s. 72,
repealed

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment

11. This Act may be cited as *The Separate Schools Amendment Act, 1964*. Short title

CHAPTER 109

**An Act to incorporate
The Sheridan Park Corporation**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Corporation" means The Sheridan Park Corporation;
- (b) "Minister" means the Minister of Economics and Development or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act.

2.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of "The Sheridan Park Corporation", consisting of not fewer than three and not more than eleven members appointed by the Lieutenant Governor in Council.

Corporation
established

(2) The Corporation shall have a seal which shall be adopted by resolution or by-law.

Seal

(3) The members for the time being of the Corporation form and are its board of directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board of directors.

Chairman

(4) The chairman, vice-chairman and other directors of the Corporation shall serve without remuneration, but the Corporation may reimburse them for proper travelling and other expenses incurred in carrying out their duties under this Act.

Remunera-
tion

(5) A majority of the directors for the time being constitutes a quorum.

Quorum

(6) *The Corporations Act* does not apply to the Corporation.

Application
of R.S.O.
1960, c. 71

Management
of Corpora-
tion

3. The affairs of the Corporation are under the management and control of the board of directors for the time being of the Corporation, and the chairman shall preside at all meetings of the board of directors, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Develop-
ment
manager

4.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may appoint an officer of the Corporation to be known as a development manager and fix his remuneration.

Staff

(2) Subject to the approval of the Corporation, the development manager may appoint such employees as are necessary for the carrying on of the affairs of the Corporation and fix their remuneration.

Non-profit

5. The Corporation shall be carried on without the purpose of gain for its members, and any profits or other accretions to the Corporation shall be used in promoting its objects.

Objects and
powers

6. The objects of the Corporation are and it has power,

- (a) to acquire and develop lands within the area described in the Schedule hereto for the purposes of research and ancillary services and generally for establishing a centralized research complex;
- (b) to sell or lease lands held by it to any person for the purposes of carrying on research or ancillary services within the centralized research complex or, if in the opinion of the Corporation any of such land is no longer required for such purposes, to sell or lease any of the land no longer so required to any person.

By-laws

7. The Corporation may make by-laws regulating its proceedings and generally for the conduct and management of its affairs.

Borrowing
powers

8.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may deem requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and

interest

interest at such time or times, in such currency or currencies and at such place or places as the board of directors may determine; and

- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the board of directors may determine.

(2) The purposes of the Corporation, without limiting the generality thereof, include, Payment of loans and indebtedness

- (a) the carrying out of the objects of the Corporation mentioned in section 6;

- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation; and

- (c) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security. Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the board of directors, authorizing the issue and sale of debentures, bills or notes of the Corporation, to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized, is conclusive evidence to that effect. Authorization

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer or director of the Corporation, and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by any officer of the Corporation. Sealing, signing, etc.

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note, and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, Mechanical reproduction of seal and signature authorized

and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Securities
of Cor-
poration
redeemable
in advance

(7) Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the board of directors may determine at the time of the issue thereof.

Lost
debentures

(8) Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board of directors may require.

Guarantee
of payment
by Province

9.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act, provided the total amount guaranteed by the Province under this Act shall not exceed \$2,000,000.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

Sale of
Corpora-
tion's
securities
to Province
and
provincial
advances to
Corporation
authorized

10.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

(a) to purchase any debentures, bills or notes of the Corporation; and

(b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

(2) The moneys required for the purposes of subsection 1 ^{Idem} shall be paid out of the Consolidated Revenue Fund.

11. Notwithstanding anything in any other Act, debentures issued by the Corporation and guaranteed by the Province are at all times a lawful investment for municipal, school and trust funds. ^{Trustees, etc., investments in debentures}

12. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year. ^{Fiscal year}

13. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister. ^{Audit}

14. The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. ^{Annual report}

15. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

16. This Act may be cited as *The Sheridan Park Corporation Act, 1964*. ^{Short title}

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land situate, lying and being in the Township of Toronto, in the County of Peel, in the Province of Ontario, and being composed of part of Lots 34 and 35, in the first concession, South of Dundas Street in the said Township of Toronto, and which parcel of land may be more particularly described as follows:

COMMENCING at a point in the south-easterly limit of a plan deposited with the Department of Land Titles as C.T.A. Plan 137, and which point marked by a standard iron bar is the most southerly angle of the land of the British American Oil Company Limited as shown on Instrument number 147061, and distant 500 feet measured South $38^{\circ} 36'$ West along the said south-easterly limit, from the most easterly angle of the said plan C.T.A. 137;

THENCE South $38^{\circ} 36'$ West along the said south-easterly limit, being also the most north-westerly limit of a plan deposited in the Registry Office for the Registry Division of the County of Peel as number 87556, 273.21 feet to a concrete monument found at an angle in the same;

THENCE South $75^{\circ} 35'$ West along the last mentioned limit, 79.88 feet to a concrete monument found at the most southerly angle of the said C.T.A. plan 137;

THENCE North $67^{\circ} 25' 30''$ West along the south-westerly limit of the said C.T.A. plan 137, a distance of 520.16 feet to a concrete monument found at an angle in the same;

THENCE South $45^{\circ} 13' 30''$ West continuing along the said limit, 124.86 feet to a concrete monument found;

THENCE South $72^{\circ} 47'$ West continuing along the said limit, 88.55 feet to a concrete monument found;

THENCE North $79^{\circ} 26' 55''$ West continuing along the said limit 143.52 feet to a concrete monument found;

THENCE North $61^{\circ} 17' 30''$ West continuing along the said limit, 324.20 feet to a concrete monument found in the south-westerly limit, being also the north-easterly limit of the allowance for road between the Township of Toronto and the Town of Oakville;

THENCE North $44^{\circ} 47' 30''$ West continuing along the said south-westerly limit, 2012.12 feet to a standard iron bar found at the most westerly angle of Part 1 of the said C.T.A. plan 137;

THENCE North $39^{\circ} 11'$ East along the north-westerly limit of the said Part 1 of C.T.A. plan 137, being also the south-easterly limit of the land of The Hydro-Electric Power Commission of Ontario, a distance of 1387.17 feet to a standard iron bar found at the most northerly angle of the said Part 1 of C.T.A. plan 137;

THENCE North $39^{\circ} 12' 20''$ East along the south-easterly limit of the said land of The Hydro-Electric Power Commission of Ontario, 76.33 feet to a standard iron bar planted at the most westerly angle of the land previously conveyed by United Lands Corporation Limited to the Ontario Research Foundation and described in Instrument number 152566;

THENCE south-easterly on a curve to the right of radius 1375 feet along the south-westerly limit of the said land, an arc distance of 100.02 feet having a chord of 100 feet, on a bearing of South $19^{\circ} 21' 48''$ East to an iron bar found;

THENCE

THENCE North $76^{\circ} 30' 50''$ East continuing along the south-westerly limit of the said land, 376.64 feet to a standard iron bar found;

THENCE South $8^{\circ} 03' 35''$ East continuing along the south-westerly limit of the said land, 589.72 feet to an iron bar found in the north-easterly limit of the aforesaid C.T.A. plan 137;

THENCE South $44^{\circ} 47'$ East along the last mentioned limit 123.65 feet to a standard iron bar found at an angle in the same;

THENCE South $45^{\circ} 53' 30''$ East continuing along the said north-easterly limit, 132.54 feet to a standard iron bar found;

THENCE North $85^{\circ} 24' 10''$ East continuing along the aforesaid south-westerly limit of the land previously conveyed by United Lands Corporation Limited to the Ontario Research Foundation, 498.10 feet to an iron bar found;

THENCE North $43^{\circ} 32' 20''$ East continuing along the last mentioned limit, 505.25 feet to a standard iron bar found;

THENCE South $51^{\circ} 25' 10''$ East continuing along the last mentioned limit, 380 feet to an iron bar found in the north-westerly limit of the land previously conveyed by United Lands Corporation Limited to the Township of Toronto, for the purpose of a Public Highway, and described in Instrument number 151740;

THENCE South $38^{\circ} 34' 50''$ West along the last mentioned north-westerly limit, 112 feet to an iron bar found at the most westerly angle of the last said land;

THENCE South $51^{\circ} 25' 10''$ East along the south-westerly limit of the said land, 86 feet to an iron bar found;

THENCE North $38^{\circ} 34' 50''$ East along the south-easterly limit of the said land for use as a Public Highway, 112.03 feet to an iron bar found at the most westerly angle of the land previously conveyed by United Lands Corporation Limited to the International Nickel Company of Canada Limited, and described in Instrument number 153839;

THENCE South $51^{\circ} 25'$ East along the south-westerly limit of the last mentioned land, 19.62 feet to an iron bar found in the north-westerly limit of the land of the British American Oil Company Limited, as described in Instrument number 147061;

THENCE South $38^{\circ} 34' 50''$ West along the north-westerly limit of the last mentioned land, 935.24 feet to a standard iron bar found at an angle in the same;

THENCE South $38^{\circ} 36'$ West continuing along the said north-westerly limit and production south-westerly therealong, 615.92 feet to a standard iron bar found at the most westerly angle of the land previously conveyed by United Lands Corporation Limited to the British American Oil Company Limited;

THENCE South $51^{\circ} 24'$ East along the south-westerly limit of the last mentioned land, 1149.52 feet more or less to the point of commencement;

ALL of which contains by admeasurement 91.223 acres be the same more or less, and shown on a plan of survey by McConnell-Jackson, Ontario Land Surveyors, dated November 23rd, 1962, and revised January 4th, 1963.

— AND —

PREMISING that the bearings herein are referred to the north-westerly limit of the land of the Department of Highways of Ontario, as shown on Deposited Plan number 90890, and assumed to be North $38^{\circ} 35'$ East;

ALL

ALL AND SINGULAR that certain parcel or tract of land situate, lying and being in the Township of Toronto, in the County of Peel, in the Province of Ontario, and being composed of part of Lots 32 and 33, in the first concession, South of Dundas Street in the said Township of Toronto, and which parcel of land may be more particularly described as follows:

COMMENCING at a standard iron bar found in the north-westerly limit of the North Service Road of the Queen Elizabeth Way, as shown on a plan deposited in the Registry Office for the Registry Division of the County of Peel as number 90890, and which standard iron bar marks the southerly corner of the land of Culligan of Canada Limited, as described in Instrument number 143771, and which corner may be more particularly located as follows: commencing at the most easterly corner of the said Lot 32; thence North $45^{\circ} 17'$ West along the north-easterly limit of the said Lot 32, a distance of 134.89 feet to an iron bar found at its intersection with the aforesaid north-westerly limit of deposited plan number 90890; thence South $38^{\circ} 06'$ West along the last mentioned limit, 31.37 feet to a standard iron bar found at an angle in the same; thence South $38^{\circ} 35'$ West, 433.63 feet to the point of commencement;

THENCE South $38^{\circ} 35'$ West continuing along the said north-westerly limit, 66 feet to a standard iron bar found at the most easterly angle of the land of Beaver Lumber Company Limited, as described in Instrument number 129026;

THENCE North $51^{\circ} 25'$ West along the north-easterly limit of the last said land, 480 feet to a standard iron bar found at the most northerly corner of the said land of Beaver Lumber Company Limited;

THENCE South $38^{\circ} 35'$ West along the north-westerly limit of the last described land, 650 feet to a standard iron bar found at the most westerly angle of the last said land, being a point in the north-easterly limit of the land of Mallory Battery Company of Canada Limited, according to Instrument number 136722;

THENCE North $51^{\circ} 25'$ West along the said north-easterly limit, 220 feet to an iron bar found at the most northerly angle of the said land;

THENCE South $38^{\circ} 35'$ West along the north-westerly limit of the last said land, 71.90 feet to an iron bar found at the most easterly angle of the land conveyed by United Lands Corporation Limited to Consolidated Mining and Smelting Company of Canada Limited, according to Instrument number 153372;

THENCE North $51^{\circ} 25'$ West along the north-easterly limit of the last mentioned land and production north-westerly thereof, 556.03 feet to an iron bar found at the most northerly angle of the land previously conveyed by United Lands Corporation Limited to the Township of Toronto for use as a Public Highway as described in Instrument number 151740;

THENCE South $38^{\circ} 34' 50''$ West along the north-westerly limit of the said land of Toronto Township, 261.10 feet to a standard iron bar found at the most south-easterly angle of the land of the Ontario Research Foundation, previously conveyed by United Lands Corporation Limited and described in Instrument number 152566;

THENCE North $51^{\circ} 25' 10''$ West along the north-easterly limit of the land of the Ontario Research Foundation, 380 feet to an iron bar found;

THENCE North $38^{\circ} 34' 50''$ East along the south-easterly limit of the said land of the Ontario Research Foundation, 539.20 feet to an iron bar found;

THENCE North $47^{\circ} 34' 30''$ West along the north-easterly limit of the last mentioned land, 450.58 feet to an iron bar found;

THENCE North $79^{\circ} 29' 55''$ West continuing along the said north-easterly limit, 760 feet to an iron bar found;

THENCE North $56^{\circ} 05' 50''$ West continuing along the said north-easterly limit, 262.89 feet to a standard iron bar found in the south-easterly limit of the land of The Hydro-Electric Power Commission of Ontario, as described in Instrument number 85997, being also the most northerly corner of the aforesaid land of the Ontario Research Foundation;

THENCE North $39^{\circ} 12' 20''$ East along the said south-easterly limit of The Hydro-Electric Power Commission of Ontario land, 1045.80 feet to a standard iron bar found at the most westerly angle of the land of Toronto Township, as described in Instrument number 101380;

THENCE South $50^{\circ} 47' 10''$ East along the south-westerly limit of the last mentioned land, 400 feet to a standard iron bar found at the most southerly angle of the said land;

THENCE North $39^{\circ} 12' 20''$ East along the south-westerly limit of the said land, 578.58 feet to a standard iron bar found at the most easterly angle of the said land, being a point in the north-easterly limit of the aforesaid Lot 32;

THENCE South $45^{\circ} 00' 40''$ East along the said north-easterly limit, 457.57 feet to a standard iron bar found;

THENCE South $44^{\circ} 51' 10''$ East continuing along the said north-easterly limit, 139.58 feet to a standard iron bar found;

THENCE South $44^{\circ} 56' 10''$ East continuing along the said north-easterly limit, 193.24 feet to a standard iron bar found;

THENCE South $45^{\circ} 16' 20''$ East continuing along the said north-easterly limit, 259.46 feet to a standard iron bar found;

THENCE South $44^{\circ} 39' 30''$ East continuing along the said north-easterly limit, 409.47 feet to a standard iron bar found;

THENCE South $44^{\circ} 54' 10''$ East continuing along the said north-easterly limit, 75.49 feet to an iron tube found;

THENCE South $44^{\circ} 51' 50''$ East continuing along the said north-easterly limit, 600.33 feet to a standard iron bar found at the most northerly angle of the land of Canadian Broomwade Limited as described in Instrument number 127809;

THENCE South $38^{\circ} 35'$ West along the north-westerly limit of the last mentioned land, and the north-westerly limit of the aforesaid land of Culligan of Canada Limited, a distance of 519.29 feet to a standard iron bar found at the most westerly angle of the land of Culligan of Canada Limited;

THENCE South $51^{\circ} 25'$ East along the south-west limit of the last mentioned land, 479.45 feet more or less to the point of commencement;

ALL of which contains by admeasurement 76.794 acres be the same more or less, and shown on a plan of survey by McConnell-Jackson, Ontario Land Surveyors, dated November 23rd, 1962, and revised December 17th, 1962.

SUBJECT to rights of easements over the land hereinbefore described and more particularly described as follows:

Firstly:

COMMENCING at the most southerly corner of the land of Culligan of Canada Limited, as described in Instrument number 143771, being a point in the north-westerly limit of the North Service Road of the Queen Elizabeth Way, as shown on a plan deposited in the Registry Office for the Registry Division of the County of Peel as number 90890, and which point may be located by beginning at the most easterly angle of the said

Lot 32; thence North $45^{\circ} 17'$ West along the north-easterly limit of the said Lot 32, a distance of 134.89 feet to its intersection with the said north-westerly limit of the North Service Road; thence South $38^{\circ} 06'$ West along the said north-westerly limit 31.37 feet to an angle in the same; thence South $38^{\circ} 35'$ West continuing along the said north-westerly limit, 433.63 feet to the point of commencement;

THENCE South $38^{\circ} 35'$ West continuing along the said north-westerly limit of the North Service Road, 66 feet to the most easterly angle of the land of Beaver Lumber Company Limited, as described in Instrument number 129026;

THENCE North $51^{\circ} 25'$ West along the north-easterly limit of the last mentioned land, 480 feet to the most northerly corner of the said land of Beaver Lumber Company Limited;

THENCE North $39^{\circ} 03' 40''$ East, 28 feet to a point;

THENCE North $51^{\circ} 23'$ West, 856.49 feet to a point;

THENCE North $38^{\circ} 34' 50''$ East, 408.23 feet to a point;

THENCE North 49.54 feet on a curve to the left of radius 34 feet, having a chord of 45.27 feet on a bearing of North $3^{\circ} 09' 40''$ West to a point;

THENCE North $44^{\circ} 54' 10''$ West, 450.36 feet to a point in the south-westerly limit of a 66-foot easement granted to the Township of Toronto, and described in Instrument number 101380, which point is situated in the production south-westerly of the north-westerly limit of Fowler Drive, as shown on a plan registered in the Registry Office for the Registry Division of the County of Peel as number 471, and distant 217.18 feet measured south-westerly therealong from the most westerly angle of the said Fowler Drive;

THENCE North $39^{\circ} 12' 50''$ East along the said production line, 217.18 feet to a round iron bar found at the most westerly angle of the aforesaid Fowler Drive;

THENCE South $45^{\circ} 16' 10''$ East along the south-westerly limit of the said Registered Plan number 471, a distance of 66.43 feet to a round iron bar found at the most southerly angle of the said Fowler Drive;

THENCE South $39^{\circ} 12' 50''$ West along the production south-westerly of the south-easterly limit of the aforesaid Fowler Drive, 150.89 feet to a point;

THENCE South $44^{\circ} 54' 10''$ East, 391.02 feet to a point;

THENCE 145.71 feet on a curve to the right of radius 100 feet, having a chord of 133.15 feet, on a bearing of South $3^{\circ} 09' 40''$ East to a point;

THENCE South $38^{\circ} 34' 50''$ West, 375.27 feet to a point;

THENCE South $51^{\circ} 23'$ East, 120 feet to a point;

THENCE North $38^{\circ} 34' 50''$ East, 5 feet to a point;

THENCE South $51^{\circ} 23'$ East, 670.81 feet to the most westerly angle of the aforesaid land of Culligan of Canada Limited;

THENCE South $51^{\circ} 25'$ East along the south-westerly limit of the last said land, 479.45 feet more or less to the point of commencement.

Secondly:

A 66-foot easement as described in Instrument number 101380, being a strip of land 66 feet in perpendicular width lying 33 feet either side of a centre line, and which centre line is more particularly described as follows:

COMMENCING at the point of intersection of a centre line of Fowler Drive, as shown on a plan registered in the Registry Office for the Registry Division of the County of Peel as number 471, with the south-westerly limit of the said Registered Plan number 471;

THENCE South $39^{\circ} 26'$ West along the production south-westerly of the said centre line of Fowler Drive, 183.15 feet to a point;

THENCE North $45^{\circ} 01' 30''$ West, 822.67 feet to a point in the south-easterly limit of the land of the Township of Toronto, as described in Instrument number 101380, and which point is distant 183.15 feet, measured South $39^{\circ} 12' 20''$ West from the most easterly angle of the last mentioned land.

CHAPTER 110

**An Act to amend
The Short Forms of Mortgages Act**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Short Forms of Mortgages Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 374,
amended

5. The period of time of default before which a mortgagee may serve notice of exercise of power of sale and the period of time after notice within which a sale may be provided for in the forms of words numbered 14 in Schedule B shall not be less than the respective times prescribed by section 29a of *The Mortgages Act*. Times to be
governed by
R.S.O. 1960,
c. 245, s. 29a

6. Where a mortgage made before the 1st day of January, 1965, contains a power of sale in accordance with *The Short Forms of Mortgages Act*, being chapter 374 of the Revised Statutes of Ontario, 1960, a sale made under such power of sale, so long as it complies with Part II-A of *The Mortgages Act*, is as effectual as if *The Short Forms of Mortgages Amendment Act, 1964* had not been passed. Transitional
provision

R.S.O. 1960,
c. 245
1964, c. 110

2. Schedule B to *The Short Forms of Mortgages Act* is amended, R.S.O. 1960,
c. 374,
Sched. B,
amended

- (a) in Column One, by striking out “or sell” in the seventh line of the form of words numbered 14 and by adding at the end thereof “or on default of payment for..... may on..... notice sell the said lands”; and
- (b) in Column Two, by inserting after “also” in the thirty-second line of the form of words numbered 14 “on default as aforesaid and..... shall have thereafter elapsed and after giving written

notice

notice to the persons and in the manner and form prescribed by Part II-A of *The Mortgages Act*, not less than previous without any further consent or concurrence of the said mortgagor, his heirs, executors, administrators, successors or assigns".

Commence-
ment **3.** This Act comes into force on the 1st day of January, 1965.

Short title **4.** This Act may be cited as *The Short Forms of Mortgages Amendment Act, 1964*.

CHAPTER 111

An Act to repeal The Slot Machines Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Slot Machines Act* is repealed.

R.S.O. 1950,
c. 365,
repealed

2. This Act may be cited as *The Slot Machines Repeal Act*,
1964.

Short title

CHAPTER 112

An Act to amend The Succession Duty Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause iv of clause *d* of section 1 of *The Succession Duty Act* is amended by striking out "mentioned" in the second line and inserting in lieu thereof "defined", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 1,
cl. *d*,
subcl. iv,
amended

- (iv) a legitimate lineal descendant of any person defined in subclause i, ii or iii.

2. Subclauses iv, v and vi of clause *h* of section 4 of *The Succession Duty Act*, as enacted by section 2 of *The Succession Duty Amendment Act, 1962-63*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 4,
cl. *h*,
subcls. iv,
v, vi
(1962-63,
c. 135, s. 2),
re-enacted

- (iv) any interest of the deceased in any pension, savings, bonus, profit sharing, stock option, stock purchase, stock benefit, death benefit, retirement benefit, survivorship benefit, sickness benefit, accident benefit or disability benefit fund, plan or scheme of general application to employees of whom the deceased was one, or any fund, plan or scheme similar to any fund, plan or scheme heretofore mentioned in this subclause,
- (v) any money or other property payable or transferable as a result of the death of the deceased out of any pension, savings, bonus, profit sharing, stock option, stock purchase, stock benefit, death benefit, retirement benefit, survivorship benefit, sickness benefit, accident benefit or disability benefit fund, plan or scheme of general application to employees of whom the deceased was one, or any fund, plan or scheme similar to any fund, plan or scheme heretofore mentioned in this subclause, or

(vi)

- (vi) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any pension, savings, bonus, profit sharing, stock option, stock purchase, stock benefit, death benefit, retirement benefit, survivorship benefit, sickness benefit, accident benefit or disability benefit fund, plan or scheme of general application to employees of whom the deceased was one, or any fund, plan or scheme similar to any fund, plan or scheme heretofore mentioned in this subclause.

R.S.O. 1960,
c. 386, s. 10,
subs. 1,
amended

3. Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "pension" in the amendment of 1962-63.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Succession Duty Amendment Act, 1964*.

CHAPTER 113

An Act to amend The Summary Convictions Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Summary Convictions Act* is amended ^{R.S.O. 1960, c. 387, s. 3, amended} by inserting after "22" in the second line "426", so that the section shall read as follows:

3. Except where inconsistent with this Act, Parts XIX ^{Application of Criminal Code} and XXIV and sections 20, 21, 22, 426, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as ^{1953-54, c. 51 (Can.)} amended or re-enacted from time to time, apply *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act.

2. Subsection 4 of section 6 of *The Summary Convictions Act* is amended ^{R.S.O. 1960, c. 387, s. 6, amended} by inserting after "6" in the first line "and", except where a plea of guilty is entered under section 7a", so that the subsection shall read as follows:

(4) Except as provided in subsection 6 and except where ^{When deemed not service} a plea of guilty is entered under section 7a, a summons sent by prepaid post shall be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons.

3. *The Summary Convictions Act* is amended by adding ^{R.S.O. 1960, c. 387, amended} thereto the following section:

7a.—(1) There may be endorsed upon a summons a ^{Penalty payable out of court} notice that the person to whom the summons is directed may pay out of court a specified penalty.

Plea of
guilty

(2) Where a summons is so endorsed, it shall provide for a plea of guilty in the following form:

PLEA OF GUILTY

I am aware that I have a right to a hearing in respect of the offence with which I am charged, that by signing this plea of guilty I am waiving my right to a hearing and that my signature may result in a conviction against me without a hearing and may result in the recording of demerit points where applicable under *The Highway Traffic Act*. I hereby plead guilty to the offence as charged.

.....
Signature of Defendant

Signature

(3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is *prima facie* proof that it is the signature of that person.

Conviction

(4) Upon receipt of the summons with a plea of guilty made thereon in accordance with subsection 2, a justice may convict the person to whom the summons is directed of the offence described in the summons.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Summary Convictions Amendment Act, 1964*.

CHAPTER 114

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1964, and the 31st day of March, 1965

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable William Earl Rowe, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1964, and for the fiscal year ending the 31st day of March, 1965, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

Preamble

1. In addition to the sum of \$1,137,715,000 granted by *The Supply Act, 1962-63*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$6,693,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1963, to the 31st day of March, 1964, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based.

\$6,693,000
granted for
fiscal year
1963-64
1962-63,
c. 136

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$1,242,600,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1964, to the 31st day of March, 1965, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

\$1,242,600,000
granted for
fiscal year
1964-65

Accounting
for
expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1964*.

SCHEDULE A

Department of Education.....	\$ 1,473,000
Department of Health.....	4,162,000
Department of Lands and Forests.....	58,000
Treasury Department.....	1,000,000
	<hr/>
	\$ 6,693,000
	<hr/>

SCHEDULE B

Department of Agriculture.....	\$ 21,643,000
Department of Attorney General.....	32,324,000
Department of Civil Service.....	1,058,000
Department of Economics and Development..	12,155,000
Department of Education.....	400,340,000
Department of Energy and Resources Manage- ment.....	32,560,000
Department of Health.....	156,043,000
Department of Highways.....	299,382,000
Department of Insurance.....	493,000
Department of Labour.....	14,651,000
Department of Lands and Forests.....	33,846,000
Office of the Lieutenant Governor.....	27,000
Department of Mines.....	3,471,000
Department of Municipal Affairs.....	50,592,000
Department of the Prime Minister.....	195,000
Office of the Provincial Auditor.....	539,000
Department of the Provincial Secretary and Citizenship.....	4,237,000
Department of Public Welfare.....	90,003,000
Department of Public Works.....	48,663,000
Department of Reform Institutions.....	20,631,000
Department of Tourism and Information....	4,573,000
Department of Transport.....	7,559,000
Treasury Department.....	7,615,000
	<hr/>
	\$1,242,600,000
	<hr/>

CHAPTER 115

**An Act to amend
The Teachers' Superannuation Act**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause v of clause d of section 1 of *The Teachers' Superannuation Act*, as amended by subsection 1 of section 1 of *The Teachers' Superannuation Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 1,
cl. d,
subcl. v,
re-enacted

- (v) as a teacher in a college of education, a teachers' college, a provincial technical or polytechnical institute, a school for the deaf, a railway-car school, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, The Lakehead College of Arts, Science and Technology, or Ryerson Polytechnical Institute.

2. Section 13 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 13,
re-enacted

- 13.—(1) The Commission shall, after the close of each of its fiscal years, file with the Minister an annual report of the affairs of the Commission.

Annual
report

- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Idem

3. Section 28 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 28,
re-enacted

- 28.—(1) A person,

Deferred
pension

- (a) who has credit in the Fund;

(b)

- (b) whose contributions to the Fund are locked in under subsection 3 of section 48;
- (c) who has ceased to be employed; and
- (d) who is not otherwise entitled to an allowance under this Act,

is entitled to an annual superannuation allowance during his lifetime.

Amount

- (2) The amount of such allowance shall be computed by dividing the amount of his average salary for the last ten years for which he has credit in the Fund, or, where the period for which he has credit in the Fund is less than ten years, on the basis of his average salary for the full period for which he has credit in the Fund, by 50 and by multiplying the quotient by a number equal to the number of school years for which he has credit in the Fund but not exceeding 35.

Reduction

- (3) Every such amount is subject to such reduction as is prescribed in the regulations having regard to the age of the applicant.

Commence-
ment

- (4) Notwithstanding section 39, an allowance under this section shall commence as of the first day of the month in which the person entitled thereto attains the age of sixty-five years, or, where he is employed in the month in which he attains the age of sixty-five years, then on the first day of the month following the month in which he ceased to be employed.

Idem,
after 55

- (5) Notwithstanding subsection 2, a person entitled to an allowance under this section may elect to have the allowance commence at the actuarially equivalent amount at a specified time after he has attained the age of fifty-five years so long as he is not employed at that time.

Time of
payment

- (6) Notwithstanding section 38, an allowance under this section may be paid, in the discretion of the Commission, in a lump sum annually, or in semi-annual, quarterly or monthly instalments.

R.S.O. 1960,
c. 392, s. 29,
subs. 1,
amended

4. Subsection 1 of section 29 of *The Teachers' Superannuation Act* is amended by striking out "and" at the end of clause b and by adding thereto the following clause:

(ba)

- (ba) ceased to be employed before the end of the school year in which he would attain the age of sixty-five years; and
-

5. Subsection 1 of section 30 of *The Teachers' Superannuation Act* is amended by striking out "and" at the end of clause b and by adding thereto the following clause:

R.S.O. 1960,
c. 392, s. 30,
subs. 1,
amended

- (ba) ceased to be employed before the end of the school year in which he would attain the age of sixty-five years; and
-

6. Subsection 4 of section 31 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 392, s. 31,
subs. 4,
re-enacted

- (4) The amount of such allowance shall be,

Amount

- (a) the amount that he would be entitled to receive under section 25, 26, 27 or 28; or

- (b) an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the Fund together with the corresponding contributions made by the Treasurer,

R.S.C. 1952,
c. 132

whichever is the larger.

7. Subsection 1 of section 32 of *The Teachers' Superannuation Act* is amended by inserting after "allowance" in the eighth line "under section 25, 26, 27, 29 or 30", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 392, s. 32,
subs. 1,
amended

- (1) Where a male person who has credit in the Fund for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance under section 25, 26, 27, 29 or 30 dies,
-

R.S.O. 1960,
c. 392,
amended

8. *The Teachers' Superannuation Act* is amended by adding thereto the following section:

Dependant's
allowance,
deferred
pension

32a.—(1) Where a male person who is in receipt of an allowance under section 28 dies,

(a) leaving a widow to whom he was married before or while he was employed, a dependant's allowance of an amount equal to one-half of the allowance that he was receiving at the date of his death shall be paid to his widow during her lifetime or during her widowhood, and, where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(b) leaving no widow but leaving a child or children under the age of eighteen years the issue of a marriage contracted before or while he was employed, a dependant's allowance of an amount equal to one-half of the allowance that he was receiving at the date of his death shall be paid to such child or children until such age is attained.

Exceptions

(2) Subsection 1 does not apply to the widow of a person if she married him after he attained the age of sixty years or to the children of any such widow.

Where
dependant's
allowance to
be reduced

(3) Where the widow was at least ten years younger than her deceased husband, the payments under subsection 1 shall be reduced in such manner and in such amount as the regulations prescribe.

Where
person is
a female

(4) This section applies *mutatis mutandis* to the widower of a female person where,

(a) the widower was permanently incapacitated and wholly supported by the deceased wife at the date of commencement of the allowance;

(b) she had been married to the widower for at least ten years before the date of commencement of the allowance; and

(c) the child or children, if any, were fully supported by the person at the time of her death.

- (5) This section applies *mutatis mutandis* to the child or children of a female person, Children of deceased female teacher

(a) who was a widow at the time of her death; or

(b) who was married at the time of her death and who supported such child or children at the time of her death, where the widower is not entitled to an allowance under subsection 4.

- (6) In this section, "child" includes an adopted child and a step-child, and "children" has a corresponding meaning. Interpretation

9. Section 38 of *The Teachers' Superannuation Act* is amended by striking out "and is apportionable to the date of death" in the second line, so that the section shall read as follows: R.S.O. 1960, c. 392, s. 38, amended

38. Every allowance is payable in monthly instalments. Allowances to be paid monthly

10. Subsection 2 of section 39 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 39, subs. 2, re-enacted

(2) Where an employed person dies and a dependant's allowance becomes payable on his death, the allowance shall commence as of the day next following his death. dependant's, where deceased employed

(3) Where a person who is in receipt of an allowance dies on or after the 1st day of April, 1964, and a dependant's allowance becomes payable on his death, the dependant's allowance shall commence as of the first day of the month next following the month in which he died. idem, where deceased a super-annuate

11. *The Teachers' Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960, c. 392, amended

39a. Every allowance shall terminate as of the end of the month in which the death of the person to whom the allowance relates occurs. Termination of allowances

12. Subsection 2 and subsection 3, as re-enacted by section 2 of *The Teachers' Superannuation Amendment Act, 1961-62*, of section 48 of *The Teachers' Superannuation Act, 1961-62*, are repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 48, subs. 2, subs. 3 (1961-62, c. 137, s. 2), re-enacted

Refunds to
persons who
cease
teaching
after
Apr. 1, 1949

- (2) A person who was employed after the 1st day of April, 1949, for twenty or more days in a school year and ceases to be employed by withdrawing from the profession is entitled to a refund of an amount equal to the whole of his contributions to the Fund with interest thereon at the rate of 3 per cent per annum compounded half-yearly from the date of cessation of employment, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed.

Exception,
where con-
tributions
locked in

- (3) Notwithstanding subsection 2, a person who has credit in the Fund for at least ten school years and was employed for at least twenty days in the calendar year in which he attained forty-five years of age or in a subsequent calendar year is not entitled to a refund of any contributions made to the Fund in respect of service rendered after the 31st day of December, 1964.

Refunds
for persons
forced to
retire
because
of age

- (3a) A person who has credit in the Fund in respect of five or more but fewer than ten school years after attaining the age of fifty-five years and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority that employed him, was retired before he was entitled to an allowance under this Act is entitled to a refund of an amount equal to the amount of his contributions in the Fund with interest to the date of refund at the rate of 4 per cent per annum compounded half-yearly.

R.S.O. 1960,
c. 392, s. 50,
subs. 1,
re-enacted;
subs. 2,
repealed

13.—(1) Subsections 1 and 2 of section 50 of *The Teachers' Superannuation Act* are repealed and the following substituted therefor:

Repayment
of refunds
on re-
employment

- (1) A person who has withdrawn his contributions from the Fund and subsequently is employed for twenty or more days in a school year and desires to be reinstated in the Fund in respect of his former period of employment may be so reinstated by paying into the Fund an amount equal to the total of the contributions previously withdrawn and the interest thereon, if any, paid to him at the time of the withdrawal together with interest on such amount at the rate of $4\frac{3}{4}$ per cent per annum compounded half-yearly for the period from the date of the withdrawal until the completion of the repayment, and any disability or superannuation allowance or other

payment

payment out of the Fund to which he may become entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid.

(2) Subsection 3 of said section 50 is amended by striking out "or 2" in the third line. R.S.O. 1960,
c. 392, s. 50,
subs. 3,
amended

14. Providence College, Brantford, or that part thereof that qualifies as a private school under section 17 of *The Teachers' Superannuation Act*, is hereby designated as a private school for the purposes of that Act from the 1st day of September, 1963. Providence
College
designated
as private
school
R.S.O. 1960,
c. 392

15.—(1) This Act, except sections 1, 3, 4, 5, 6, 7, 8, 12 and 13, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of April, 1964. Idem

(3) Sections 3, 4, 5, 6, 7, 8, 12 and 13 come into force on the 1st day of January, 1965. Idem

16. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1964*. Short title

CHAPTER 116

An Act to amend The Territorial Division Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of paragraph 3 of section 1 of *The Territorial Division Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 395, s. 1,
par. 3, cl. *a*,
re-enacted;
cl. *b*,
repealed

(a) the cities of Eastview, Ottawa.

(2) Clause *c* of paragraph 3 of the said section 1 is amended by adding at the end thereof "Stittsville".

R.S.O. 1960,
c. 395, s. 1,
par. 3, cl. *c*,
amended

(3) Clause *c* of paragraph 7 of the said section 1 is amended by inserting after "of" in the first line "Belmont".

R.S.O. 1960,
c. 395, s. 1,
par. 7, cl. *c*,
amended

(4) Paragraph 11 of the said section 1 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 395, s. 1,
par. 11,
amended

(aa) the Town of Kemptville.

(5) Clause *b* of paragraph 11 of the said section 1 is amended by striking out "Kemptville".

R.S.O. 1960,
c. 395, s. 1,
par. 11, cl. *b*,
amended

(6) Clause *b* of paragraph 14 of the said section 1 is amended by striking out "Trafalgar" in the second column.

R.S.O. 1960,
c. 395, s. 1,
par. 14, cl. *b*,
amended

(7) Clause *a* of paragraph 20 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 395, s. 1,
par. 20, cl. *a*,
re-enacted

(a) the City of Brockville;

(aa) the separated Town of Gananoque.

R.S.O. 1960,
c. 395, s. 1,
par. 22, cl. *b*,
re-enacted (8) Clause *b* of paragraph 22 of the said section 1 is repealed and the following substituted therefor:

(*b*) the towns of Grimsby, Niagara.

R.S.O. 1960,
c. 395, s. 1,
par. 22, cl. *d*,
amended (9) Clause *d* of paragraph 22 of the said section 1 is amended by striking out "Grantham" in the first column.

R.S.O. 1960,
c. 395, s. 1,
par. 27, cl. *d*,
amended (10) Clause *d* of paragraph 27 of the said section 1 is amended by inserting after "of" in the first line "Beachville".

R.S.O. 1960,
c. 395, s. 1,
par. 28, cl. *a*,
re-enacted (11) Clause *a* of paragraph 28 of the said section 1 is repealed and the following substituted therefor:

(*a*) the towns of Brampton, Port Credit, Streetsville.

R.S.O. 1960,
c. 395, s. 1,
par. 28, cl. *b*,
amended (12) Clause *b* of paragraph 28 of the said section 1 is amended by striking out "Port Credit" in the first line and by striking out "Streetsville" in the second line.

R.S.O. 1960,
c. 395, s. 1,
par. 31, cl. *b*,
amended (13) Clause *b* of paragraph 31 of the said section 1 is amended by adding at the end thereof "Plantagenet".

R.S.O. 1960,
c. 395, s. 1,
par. 33, cl. *b*,
amended (14) Clause *b* of paragraph 33 of the said section 1 is amended by adding at the end thereof "Petawawa".

R.S.O. 1960,
c. 395, s. 1,
par. 35, cl. *c*,
amended (15) Clause *c* of paragraph 35 of the said section 1 is amended by inserting after "Coldwater" in the first line "Cookstown".

R.S.O. 1960,
c. 395, s. 1,
par. 38, cl. *c*,
amended (16) Clause *c* of paragraph 38 of the said section 1 is amended by adding at the end thereof "Wellesley".

R.S.O. 1960,
c. 395, s. 1,
par. 39, cl. *d*,
amended (17) Clause *d* of paragraph 39 of the said section 1 is amended by striking out "Stamford" in the second column.

R.S.O. 1960,
c. 395, s. 1,
par. 45, cl. *b*,
amended (18) Clause *b* of paragraph 45 of the said section 1 is amended by striking out "Shakleton" in the first column and inserting in lieu thereof "Shackleton".

R.S.O. 1960,
c. 395, s. 1,
par. 52, cl. *c*,
amended (19) Clause *c* of paragraph 52 of the said section 1 is amended by striking out "McKim" in the first column.

(20)

(20) Clause *c* of paragraph 53 of the said section 1 is amended by inserting after "Walters" in the third column "Wardrope". R.S.O. 1960,
c. 395, s. 1,
par. 53, cl. c,
amended

2.—(1) Clause *a* of paragraph 2 of section 2 of *The Territorial Division Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 395, s. 2,
par. 2, cl. a,
re-enacted

(a) the Improvement District of Kingham (part).

(2) Clause *a* of paragraph 3 of the said section 2 is amended by inserting after "Balmertown" in the first line "Barclay". R.S.O. 1960,
c. 395, s. 2,
par. 3, cl. a,
amended

(3) Clause *b* of paragraph 6 of the said section 2 is amended by inserting before "Bonfield" in the first column "Airy". R.S.O. 1960,
c. 395, s. 2,
par. 6, cl. b,
amended

(4) Clause *a* of paragraph 10 of the said section 2 is amended by striking out "Longlac" in the second line. R.S.O. 1960,
c. 395, s. 2,
par. 10, cl. a,
amended

(5) Clause *b* of paragraph 10 of the said section 2 is amended by inserting after "Gillies" in the first column "Longlac". R.S.O. 1960,
c. 395, s. 2,
par. 10, cl. b,
amended

(6) Clause *a* of paragraph 11 of the said section 2 is amended by striking out "McGarry" in the second line. R.S.O. 1960,
c. 395, s. 2,
par. 11, cl. a,
amended

(7) Clause *b* of paragraph 11 of the said section 2 is amended by striking out "Matachewan" in the third column and inserting in lieu thereof "McGarry". R.S.O. 1960,
c. 395, s. 2,
par. 11, cl. b,
amended

3. This Act may be cited as *The Territorial Division Amendment Act, 1964*. Short title

CHAPTER 117

An Act to amend The Tourist Establishments Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Tourist Establishments Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 402, s. 1,
cl. *a*,
re-enacted

(*a*) “Minister” means the Minister of Tourism and Information.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 402, s. 1,
cl. *d*,
re-enacted

(*d*) “sleeping accommodation” includes a camp-site where any facility or service is provided for the supply of water or electricity or the disposal of garbage or sewage;

(*e*) “tourist establishment” means any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include,

(i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act*, or R.S.O. 1960,
c. 51

(ii) a summer camp within the meaning of the regulations made under *The Public Health Act*, R.S.O. 1960,
c. 321 or

(iii) a club owned by its members and operated without profit or gain.

R.S.O. 1960,
c. 402, s. 2,
subs. 1, cl. b,
amended

2. Clause *b* of subsection 1 of section 2 of *The Tourist Establishments Act* is amended by inserting after "establish" in the first line "tourist establishments or make additions to or structural alterations in accommodation at tourist establishments", so that the clause shall read as follows:

- (b) providing for permits to establish tourist establishments or make additions to or structural alterations in accommodation at tourist establishments and for licences to operate tourist establishments, and respecting the form, issue, renewal, transfer, refusal, suspension and cancellation of such permits and licences, and prescribing the fees payable for such permits and licences and renewals thereof.

R.S.O. 1960,
c. 402, s. 3,
re-enacted;
ss. 4-7,
repealed

3. Sections 3, 4, 5, 6 and 7 of *The Tourist Establishments Act* are repealed and the following substituted therefor:

Offence

- 3.—(1) Every person who contravenes the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$500.

Operating
without a
licence

- (2) In addition to the penalty provided in subsection 1, a person who is convicted of operating a tourist establishment without a licence as required by the regulations is liable to a fine of \$10 for each day the offence continued, not exceeding ninety days.

Short title

4. This Act may be cited as *The Tourist Establishments Amendment Act, 1964*.

CHAPTER 118

An Act to amend The Trees Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trees Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 406,
amended

7a. The council of a county may agree to pay annually Payment in
lieu of
taxes to the council of a municipality in which the county owns land acquired or declared to be required for forestry purposes a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

2. Section 11 of *The Trees Act* is amended by inserting after "7" in the first line "7a", so that the section shall read R.S.O. 1960,
c. 406, s. 11,
amended as follows:

11. No by-law shall be finally passed under section 7, Approval of
by-law by
Minister 7a, 8, 9 or 10 until approved in writing by the Minister of Lands and Forests.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Trees Amendment Act*, Short title 1964.

CHAPTER 119

An Act to amend The Trustee Act

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 38 of *The Trustee Act* is amended by inserting after "committed" in the second line "or is by law liable for" and by inserting after "committed" in the fourth line "or is by law liable for", so that the subsection shall read as follows:

R.S.O. 1960,
c. 408, s. 38,
subs. 2,
amended

(2) Except in cases of libel and slander, if a deceased person committed, or is by law liable for, a wrong to another in respect of his person or property, the person wronged may maintain an action against the executor or administrator of the person who committed, or is by law liable for, the wrong.

Actions
against
executors
and admin-
istrators
for torts

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Trustee Amendment Act*, 1964.

Short title

CHAPTER 120

An Act to incorporate the University of Guelph

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Governors of the University of Guelph;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "President" means the President of the University;
- (d) "property" includes real and personal property;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) "Senate" means the Senate of the University;
- (g) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (h) "University" means the University of Guelph.

2. The persons named in clause *c* of section 6 and such other persons as become members of the Board or of the Senate or upon whom degrees may be granted under this Act are hereby created a body corporate with perpetual succession and a common seal under the name of "University of Guelph".

University
of Guelph
incorporated

3. The objects and purposes of the University are,

Objects and
purposes of
University

- (a) the advancement of learning and the dissemination of knowledge; and

(b)

- (b) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties
and schools

4. The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Degrees

5. The University may grant in all branches of learning any and all university degrees and honorary degrees and diplomas.

Board of
Governors

6. There shall be a board under the name of "Board of Governors of the University of Guelph" of not more than twenty-four members, consisting of,

- (a) the Chancellor;
(b) the President;
(c) the following thirteen persons:

- (i) Mr. S. G. Bennett, Georgetown, Ontario,
(ii) Mr. E. I. Birnbaum, Guelph, Ontario,
(iii) Mr. William E. Hamilton, Guelph, Ontario,
(iv) Mr. R. B. Hungerford, Q.C., Guelph, Ontario,
(v) Mr. Lawrence M. Kerr, Chatham, Ontario,
(vi) Mr. T. Fred Kingsmill, London, Ontario,
(vii) Mr. John H. McElderry, Q.C., Guelph, Ontario,
(viii) Dr. Jerald D. Stirk, Brampton, Ontario,
(ix) Mr. F. W. Presant, Toronto, Ontario,
(x) Mr. Albert A. Thornbrough, Etobicoke, Ontario,
(xi) Dr. M. St. A. Woodside, Toronto, Ontario,
(xii) Mr. Thomas A. McEwan, Guelph, Ontario,
(xiii) Mr. Frank Ryan, Ottawa, Ontario;
(d) four persons named by the Lieutenant Governor in Council; and

- (e) such other persons appointed by the Board for such terms as the Board may determine by by-law.

7.—(1) Of the persons named in clause *c* of section 6, ^{Terms of office} the first four persons shall hold office for a period of one year, the next four persons shall hold office for a period of two years, and the remaining five persons shall hold office for a period of three years, and, as the term of any such person expires, the vacancy shall be filled by election by the Board and such election shall be for such a term as the Board may determine by by-law, and so on from time to time.

(2) Of the persons first named by the Lieutenant Governor ^{Idem} in Council, the first two persons named shall hold office for a period of two years and the remaining two persons named shall hold office for a period of three years, and, as the term of any such person expires, the vacancy shall be filled by the Lieutenant Governor in Council, and such appointment shall be for a period of three years, and so on from time to time.

(3) Where a vacancy on the Board occurs before the term ^{Filling of vacancies} of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

8. All members of the Board are eligible for re-appointment ^{Eligibility for re-appointment, etc.} or re-election.

9. The Board shall elect a chairman from among its mem- ^{Chairman} bers for such period as may be determined by the Board.

10. After thirty days notice to any member of the Board, ^{Declaration of vacancies} the Board may, by resolution passed at a meeting of the Board by at least two-thirds of the total members of the Board, declare vacant the seat of such member.

11. Except as to such matters by this Act specifically ^{Management of University vested in Board} assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board which has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President, and the vice-presidents, if any;
- (b) to appoint, promote and remove the heads of all faculties and schools, the senior administrative officers of the University, including, but without limiting, the generality of the foregoing, the Registrar of the University, the Librarian of the University, the Comptroller of the University, and the Secretary of the Board, the teaching staff of the University, and all such other officers, clerks, employees, agents and servants as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University, except on the recommendation of the President;
- (c) to fix the numbers, duties, salaries and other emoluments of the officers, agents and servants of the University;
- (d) to appoint an executive committee and such other committees as it deems advisable, and to delegate to any such committee any of its powers;
- (e) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (f) make, draw and endorse promissory notes or bills of exchange;
- (g) hypothecate, pledge, charge or mortgage any part or all of the property of the University to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (h) issue bonds, debentures and obligations on such terms and conditions as it may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as it may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

- (i) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum.

12. There shall be a Senate of the University consisting of, ^{Senate}

- (a) the President, the Academic Vice-President, if any, the head of each College, faculty and school within the University, the academic head of each college affiliated or federated with the University, the Librarian, and the Registrar of the University;
- (b) the heads of academic departments within,
 - (i) the University,
 - (ii) the Ontario Agricultural College,
 - (iii) the Ontario Veterinary College, and
 - (iv) the Macdonald Institute;
- (c) two members from the teaching staff of every faculty and school of the University and of every college affiliated or federated with the University elected for terms of one year by the teaching staffs of their respective faculties and colleges; and
- (d) such other members as the Senate may determine by by-law.

13. The Senate is responsible for the educational policy of ^{Powers of Senate} the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of facilities are concerned, may create such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

- (a) to elect the Chancellor;
- (b) to control, regulate and determine the educational policy of the University;
- (c) to determine the courses of study and standards of admissions to the University and continued membership therein, and qualifications for degrees and diplomas;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;

(f)

- (f) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a University;
- (g) to confer honorary degrees in any department of learning;
- (h) to create faculty councils or committees and committees generally to exercise its powers.

President

14.—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-presidents

(2) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the Board on the recommendation of the President, and one vice-president shall act as President when the President is absent or there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

Powers and duties of President

(3) The President is vice-chancellor and chief executive officer of the University and chairman of the Senate, and, when the Chancellor is absent or there is a vacancy in the office of Chancellor, he shall perform the functions of the Chancellor, and, subject to the will of the Board, the President has supervision over and direction of the academic work and general administration of the University and the teaching staff, officers and servants and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Chancellor

15. There shall be a Chancellor elected by the Senate, who shall be the titular head of the University, who shall confer all degrees and who shall, subject to the will of the Senate, hold office for three years and until his successor is elected.

Religious tests not required

16. No religious test shall be required of any professor, lecturer, teacher, officer, servant or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Property

R.S.O. 1960,
c. 191

17. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell,

grant,

grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

18. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the University. ^{Trust property vested in University}

19. The property vested in the University and any lands and premises leased to and occupied by the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University. ^{Tax exemption}

20. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto. ^{Property of University not liable to be expropriated}

21.—(1) The University may, without the consent of the owner or of any person interested therein, other than a municipal corporation, enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University. ^{Powers of expropriation}

(2) *The Expropriation Procedures Act, 1962-63* applies to the expropriation of real property under subsection 1. ^{Application of 1962-63, c. 43}

22. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. ^{Application of statute of limitations}

23. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University. ^{Application of property}

24. The funds of the University not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and reinvested in such investments as the Board deems meet. ^{Investment of funds}

Powers of
affiliation

25. The University has power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Audit

26. The accounts of the University shall be audited at least once a year.

Annual
report

27. Upon the request of the Lieutenant Governor in Council, the University shall submit to him its annual report and shall submit such other reports as he may request from time to time.

Federated
Colleges of
the Depart-
ment of
Agriculture

28. On and after the 1st day of July, 1964, the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College and the Macdonald Institute, are federated with the University.

1961-62,
c. 42, s. 4,
repealed

29. Section 4 of *The Federated Colleges of the Department of Agriculture Act, 1961-62* is repealed.

1947, c. 112,
s. 5, subs. 5,
cls. b, e,
repealed

30.—(1) Clauses *b* and *e* of subsection 5 of section 5 of *The University of Toronto Act, 1947* are repealed.

1947, c. 112,
c. 42 (1955,
c. 90, s. 3),
subs. 1,
amended

(2) Subsection 1 of section 42 of *The University of Toronto Act, 1947*, as re-enacted by section 3 of *The University of Toronto Amendment Act, 1955* and amended by section 8 of *The University of Toronto Amendment Act, 1959*, is further amended by striking out paragraphs 11 and 12 of clause *a* thereof and by striking out paragraphs 21 and 22 of clause *d* thereof.

Commence-
ment

31.—(1) This Act, except sections 29 and 30, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 29 and 30 come into force on the 1st day of July, 1964.

Short title

32. This Act may be cited as *The University of Guelph Act, 1964*.

CHAPTER 121

**An Act to provide for the Registration,
Supervision and Control of Used Car
Dealers and Salesmen**

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Director" means the Director of the Registration and Examination Branch of the Department of the Attorney General;
- (b) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (c) "Registrar" means the Registrar of Used Car Dealers and Salesmen;
- (d) "used car" means a motor vehicle, as defined in *The Highway Traffic Act*, that has been driven for any purpose other than delivery to a dealer and servicing; R.S.O. 1960,
c. 172
- (e) "used car dealer" means a person who carries on the business of buying or selling used cars, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling used cars.

2. The Registrar may exercise the powers and shall discharge the duties conferred or imposed upon him by this Act under the supervision of the Director. Duties of
Director

3.—(1) No person shall,

Prohibitions

- (a) carry on business as a used car dealer unless he is registered under this Act; or

(b)

- (b) act as a salesman of or on behalf of a used car dealer unless he is registered as a salesman of such dealer and such dealer is registered as a used car dealer under this Act.

Representation

- (2) No person shall publish or cause to be published any representation that he is registered under this Act.

Registration

- 4.**—(1) The Registrar may grant registration or renewal of registration to an applicant where the proposed registration is not against the public interest, and the registration may be subject to terms and conditions.

Expiry

- (2) Every registration and renewal of registration expires on the 31st day of December in each year.

Hearings

- (3) The Registrar shall not refuse to grant or refuse to renew a registration without giving the applicant an opportunity to be heard.

Suspension and cancellation

- 5.** The Registrar may, after giving the registrant an opportunity to be heard, suspend or cancel a registration for the breach of a term or condition upon which the registration was granted or where, in his opinion, to do so is in the public interest.

Advisory board

- 6.**—(1) The Attorney General shall appoint an advisory board consisting of such number of members as he deems appropriate and shall designate one of the members as chairman, and the members, other than the chairman, shall be registered used car dealers.

Reference to advisory board

- (2) In determining the granting or refusal of an application for registration or renewal of registration, or the cancellation or suspension of registration, the Registrar may, and shall when so requested in writing by the applicant or registrant, as the case may be, refer the matter to the advisory board, which shall hold a hearing and make a report to the Registrar with such recommendations as it deems advisable.

Quorum and powers

- (3) For the purpose of a hearing under subsection 2, the chairman and one member constitute a quorum, and the advisory board has and may exercise any of the powers that may be exercised under subsection 4 of section 11 by a person making an investigation.

Further application

- 7.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

8. Where the Registrar refuses to grant a registration or renewal of registration, or suspends or cancels a registration, he shall give to the person whose registration or right to registration is affected written reasons for his decision. ^{Reasons}

9.—(1) Every applicant for registration shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if delivered or sent by registered mail to the latest address for service so stated. ^{Address for service}

(2) Every registered used car dealer shall within five days notify the Registrar in writing of, ^{Notice of changes by dealer}

- (a) any change in his address for service;
- (b) any change in the officers or members in the case of an association of individuals, partnership or corporation; and
- (c) the commencement and termination of employment of every salesman.

(3) Every registered salesman shall within five days notify the Registrar in writing of, ^{Notice of changes by salesmen}

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a registered used car dealer.

10.—(1) Where the Registrar receives a complaint in respect of a dealing in used cars and so requests in writing, the used car dealer shall furnish the Registrar with such information respecting the dealing as the Registrar requires. ^{Information}

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any used car dealer. ^{Inspection of records}

(3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the used car dealer, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. ^{Access}

11.—(1) Where upon a statement made under oath it appears probable to the Director that any person has, ^{Investigations}

(a)

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) that is relevant to his fitness to carry on business as a used car dealer or to act as a salesman,

the Director may by order appoint one or more persons to make such investigation as the Director deems expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

Investiga-
tion by
order of
Attorney
General

(2) Notwithstanding subsection 1, the Attorney General may by order appoint one or more persons to make an investigation into any matter relating to the used car business or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Attorney General.

Scope of
investiga-
tion

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person.

Power to
take sworn
evidence and
summon
witnesses

(4) For the purposes of any such investigation, any person making the investigation,

(a) may administer oaths to witnesses and require them to give evidence under oath; and

(b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

Seizure of
property

(5) Any person making any such investigation may seize and take possession of any documents, records, securities or other property belonging to the person whose affairs are being investigated and that relate to the subject-matter of the investigation.

(6) The Attorney General or the Director may appoint any expert to examine documents, records, properties and matters of the person whose affairs are being investigated.

Accountants
and other
experts,
appoint-
ment

(7) Every person appointed under subsection 1 shall report the result of his investigation or examination to the Director.

Report of
investiga-
tion

12. Where upon the report of an investigation made under subsection 1 of section 11 it appears to the Director that any person may have,

Report of
investiga-
tion

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* (Canada) that is relevant to his fitness to carry on business as a used car dealer or to act as a salesman,

1953-54,
c. 51 (Can.)

the Director shall make a full and complete report of the investigation to the Attorney General, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto.

13. No person, without the consent of the Attorney General, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under section 11 or the name of any witness examined or sought to be examined in such investigation.

Information
not to be
disclosed

14.—(1) The Director may,

Order to
hold or
refrain
from
dealing
with funds

(a) after an investigation of any person has been ordered under section 11; or

(b) where criminal proceedings or proceedings in respect of a contravention of this Act are about to be or have been instituted against any person that in the opinion of the Director are connected with or arise out of the business of a used car dealer,

in writing or by telegram, direct any person having on deposit or under control or for safe keeping any assets of the person referred to in clause *a* or *b*, to hold such assets or direct the person referred to in clause *a* or *b* to refrain from withdrawing or dealing with any such assets from any other person having any of them on deposit, under control or for safe keeping or to hold such assets of customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act*

R.S.C. 1952,
c. 14

(Canada),

R.S.O. 1960, cc. 197, 71 (Canada), *The Judicature Act*, *The Corporations Act* or the R.S.C. 1952, *Winding-up Act* (Canada), or until the Director in writing revokes such direction or consents to release any particular asset from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

Bond in lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

R.S.O. 1960, c. 168

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

Application for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets and may make such order as to costs as seems just.

Notice of direction, decision, etc.

15.—(1) The Registrar shall serve upon any person who in the opinion of the Registrar is affected thereby a notice of every direction, decision, order or ruling of the Registrar.

Service

(2) Where a service under subsection 1 is made upon a person who is not a registrant, the service may be made by sending the notice by registered mail to the last-known address of the person to be served.

Review

16.—(1) Any person whose registration or right to register is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 15, request a hearing and review of the matter by the Director.

Notice of hearing

(2) Where a hearing and review are requested, the Director shall serve notice upon the person who requested the review notifying him of the time and place of the hearing, which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review.

(3) Upon a review, the Director shall hear such evidence ^{Evidence} as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record.

(4) Upon a review, the Director has and may exercise any ^{Powers of Director on review} of the powers that may be exercised under subsection 4 of section 11 by a person making an investigation.

(5) Upon a review, the Director may confirm or revoke ^{Decision of Director} the decision of the Registrar or may make any other decision he deems proper.

(6) Notice of the decision of the Director made upon a ^{Notice of decision} review shall be served forthwith upon the person who requested the review, together with written reasons for his decision.

17.—(1) Where the Director has reviewed a decision and ^{Appeal} given his decision upon the review, the person who requested the review may appeal to a justice of appeal of the Court of Appeal.

(2) Every appeal shall be by notice of motion served upon ^{Form of appeal} the Director within thirty days after the delivery of the notice of decision under subsection 6 of section 16, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

(3) The Director shall certify to the Registrar of the ^{Material on appeal} Supreme Court,

- (a) the decision that has been reviewed by him;
- (b) his decision upon the review, together with his reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to him and other material received by him in connection with the review.

(4) The Attorney General may designate counsel to assist ^{Counsel} the judge upon the hearing of an appeal under this section.

(5) Where an appeal is taken under this section, the judge ^{Order for Director's decision} may by his order direct the Director to make such decision

as the Director is authorized to make under this Act and as the judge deems proper, and thereupon the Director shall act accordingly.

**Appeal
final**

(6) The order of the judge is final but a further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

**Right to
counsel**

18. Every person whose registration or right to registration may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing.

Offences

19.—(1) Every person who,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

**Consent of
Attorney
General**

(3) No proceedings under this section shall be instituted except with the consent of the Attorney General.

Limitation

(4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Director.

**Certificate
as evidence**

20. A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

21. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) respecting the method of registration or renewal of registration;
- (b) requiring the keeping of such books and records and the making of such returns as are prescribed;
- (c) requiring and governing the maintenance of trust accounts by used car dealers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;
- (d) exempting any class of persons from this Act or the regulations or any provision thereof;
- (e) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (f) providing for the responsibility for payment of witness fees and expenses in connection with proceedings under this Act, and prescribing the amounts thereof;
- (g) requiring registered used car dealers and salesmen, or any class thereof, to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (h) prescribing forms and providing for their use, and requiring the information in any form to be verified by affidavit;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

22. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

23. This Act may be cited as *The Used Car Dealers Act*, ^{Short title}
1964.

CHAPTER 122

An Act to repeal The Vaccination Act

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Vaccination Act* is repealed.

R.S.O. 1960,
c. 412,
repealed

- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

- 3.** This Act may be cited as *The Vaccination Repeal Act*, Short title 1964.

CHAPTER 123

An Act to amend The Vital Statistics Act

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 25 of *The Vital Statistics Act* is amended by adding at the end thereof "but in every such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree", so that the subsection shall read as follows:

R.S.O. 1960,
c. 419, s. 25,
subs. 2,
amended

(2) If the birth of the person adopted,

Change in
registration
of birth

(a) was registered in Ontario before the adoption;
or

(b) is registered in Ontario after the adoption in
accordance with this Act,

the Registrar General, upon production of evidence satisfactory to him of the identity of the person together with an application for the registration of the birth in the prescribed form, may by order set aside any registration made pursuant to section 9, 10, 11 or 12 or to this section and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree as if the adopted person had on the date and in the place of birth recorded in the original registration been born in lawful wedlock to the adopting parent, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed, but in every

such

such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1959.

Short title

3. This Act may be cited as *The Vital Statistics Amendment Act, 1964*.

CHAPTER 124

An Act to amend The Workmen's Compensation Act

*Assented to May 8th, 1964
Session Prorogued May 8th, 1964*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following clauses:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
amended

(ca) "common law wife" means a woman who, although not legally married to a man, cohabits with him and is recognized as his wife in the community in which they live;

.

(ea) "dependent widow" means the woman who was the legal wife and a dependant of a workman immediately before his death.

(2) Clause *m* of subsection 1 of the said section 1 is amended by inserting after "packing" in the second and third lines "packaging, inspecting, testing" and by inserting after "commodity" in the fourth line "or raw material", so that the clause shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
cl. *m*,
amended

(*m*) "manufacturing" includes making, preparing, altering, repairing, ornamenting, printing, finishing, packing, packaging, inspecting, testing, assembling the parts of and adapting for use or sale any article or commodity or raw material.

(3) Clause *o* of subsection 1 of the said section 1 is amended by adding at the end thereof "and includes a common law wife", so that the clause shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
cl. *o*,
amended

(*o*)

- (o) "member of the family" means a wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother and half-sister, and a person who stood *in loco parentis* to the workman or to whom the workman stood *in loco parentis*, whether related to him by consanguinity or not so related, and, where the workman is the parent or grandparent of an illegitimate child, includes such child, and, where the workman is an illegitimate child, includes his parents and grandparents, and includes a common law wife.

R.S.O. 1960,
c. 437, s. 1,
subs. 3,
amended

- (4) Subsection 3 of the said section 1, as amended by subsection 3 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "and shall state the average earnings of" in the ninth and tenth lines and inserting in lieu thereof "and shall select such amount of coverage for", so that the subsection shall read as follows:

Volunteer
fire
brigades

- (3) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board, and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than \$2,000 or more than \$6,000 per annum.

R.S.O. 1960,
c. 437, s. 3,
subs. 1,
cl. a,
amended

2. Clause *a* of subsection 1 of section 3 of *The Workmen's Compensation Act*, as amended by section 2 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by inserting after "three" in the amendment of 1962-63 "calendar", so that the clause shall read as follows:

- (a) does not disable the workman for a period of at least three calendar days from earning full wages at the work at which he was employed; or

R.S.O. 1960,
c. 437, s. 27,
subs. 1,
re-enacted

3. Subsection 1 of section 27 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

- (1) Where the compensation is payable by an employer individually or out of the accident fund, the Board may commute the weekly or other periodical payments payable to a workman or dependant for a lump sum, and may charge the same to the employer or to the accident fund, as the case may be. Commutation of payments

4.—(1) Section 37 of *The Workmen's Compensation Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 437, s. 37, amended

- (1a) Where a workman has had for the entire period of six years immediately preceding his death a common law wife or where a workman has had during the entire period of two years immediately preceding his death a common law wife by whom he has had one or more children, and leaves no dependent widow, the compensation to which a dependent widow would have been entitled under this Part may, in the discretion of the Board, be paid to the common law wife until such time as she marries. Common law wife

- (1b) A dependent common law wife receiving compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased workman. Idem

(2) Subsection 2 of the said section 37 is amended by striking out "but in no case beyond the age of eighteen years unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year", in the sixth to the eleventh lines, so that the subsection shall read as follows: R.S.O. 1960, c. 437, s. 37, subs. 2, amended

- (2) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education. Further education

5. *The Workmen's Compensation Act* is amended by adding thereto the following section: R.S.O. 1960, c. 437, amended

- 40a. Where a workman, who has been awarded or who at any time in the future is awarded compensation for permanent disability and has returned to employment, Temporary disability subsequent to permanent disability

ment,

ment, becomes entitled to payment for temporary disability by reason of any matter arising out of the original accident, the compensation payable for such temporary disability shall be paid on either the average weekly earnings at the date of the accident or the average weekly earnings at the date of recurrence of the disability, calculated in the manner set out in section 40, whichever is the greater.

R.S.O. 1960,
c. 437, s. 43,
re-enacted

6. Section 43 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Minimum
amount of
compensa-
tion

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than,

(a) for temporary total disability,

(i) where his average earnings are not less than \$30 a week, \$30 a week, and

(ii) where his average earnings are less than \$30 a week, the amount of such earnings,

and, for temporary partial or permanent partial disability, a corresponding amount in proportion to the impairment of earning capacity; and

(b) for permanent total disability where the workman is unable to engage in any gainful occupation,

(i) where his average earnings are not less than \$130 a month, \$130, and

(ii) where his average earnings are less than \$130 a month, the amount of such earnings.

R.S.O. 1960,
c. 437, s. 48,
amended

7. Section 48 of *The Workmen's Compensation Act* is amended by inserting after "widow" in the first line and in the fifth line "or common law wife", so that the section shall read as follows:

Discon-
tinuation,
suspension,
etc., of
compensa-
tion

48. Where it is found that the widow or common law wife to whom compensation has been awarded is a common prostitute or is openly living with any man in the relation of man and wife without being married

to him, the Board may discontinue or suspend compensation to such widow or common law wife or divert such compensation in whole or in part to or for the benefit of any other dependant or dependants of the deceased workman.

8. Section 53 of *The Workmen's Compensation Act* is ^{R.S.O. 1960,} amended by adding at the end thereof "or such greater amount ^{c. 437, s. 53,} as may be authorized by the Lieutenant Governor in Council", so that the section shall read as follows:

53. To aid in getting injured workmen back to work ^{Aid to} and to assist in lessening or removing any handicap ^{injured} resulting from their injuries, the Board may take ^{workman} such measures and make such expenditures as it may deem necessary or expedient, and the expense thereof shall be borne, in Schedule 1 cases, out of the accident fund and, in Schedule 2 cases, by the employer individually, and may be collected in the same manner as compensation or expenses of administration; provided that the total expenditure under this section shall not exceed \$200,000 in any calendar year or such greater amount as may be authorized by the Lieutenant Governor in Council.

9. Section 86 of *The Workmen's Compensation Act* is ^{R.S.O. 1960,} amended by adding thereto the following subsection: ^{c. 437, s. 86,} amended

(6a) Where the work injury frequency and the accident ^{Demerit} cost of the employer are consistently higher than ^{system} that of the average in the industry in which he is engaged, the Board, as provided by the regulations, may increase the assessment for that employer by such a percentage thereof as the Board may deem just, and may assess and levy the same upon the employer.

10.—(1) Subsection 1 of section 117 of *The Workmen's Compensation Act* is repealed and the following substituted ^{R.S.O. 1960,} ^{c. 437, s. 117,} ^{subs. 1,} ^{re-enacted} therefor:

(1) The employers in any of the classes for the time ^{Accident} being included in Schedule 1 may, with the approval ^{prevention} and under the control of the Board, form themselves ^{associations} into an association for the purpose of education in accident prevention.

(2) Subsection 2 of the said section 117 is amended by ^{R.S.O. 1960,} striking out "such rules" in the third line and inserting ^{c. 437, s. 117,} ^{subs. 2,} ^{amended} in lieu thereof "rules of operation", so that the subsection shall read as follows:

Rules of
operation

- (2) If the Board is of opinion that an association so formed sufficiently represents the employers in the industries included in the class, the Board may approve rules of operation, and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers in industries included in the class.

R.S.O. 1960,
c. 437, s. 117,
subs. 3,
amended

- (3) Subsection 3 of the said section 117 is amended by inserting after "rules" in the first line "of operation" and by inserting after "of" in the second line "education in", so that the subsection shall read as follows:

Inspectors

- (3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board may deem just.

Commence-
ment

- 11.** This Act comes into force on the 1st day of July, 1964.

Short title

- 12.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1964*.

PART II
PRIVATE ACTS
Chapters 125 to 150

CHAPTER 125

An Act respecting Assumption University

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

WHEREAS Assumption University of Windsor by its Preamble
petition has represented that it was incorporated by
an Act entitled *An Act to incorporate Assumption College,
Sandwich, in the Diocese of London*, being chapter 136 of the
Statutes of the Province of Canada, 1858, the provisions of
which were varied by *The Assumption University of Windsor* 1953, c. 111
Act, 1953, as amended by *The Assumption University of* 1956, c. 94
Windsor Act, 1956, and that it has conducted and maintained
an institution of learning in the Town of Sandwich and, since
The City of Windsor (Amalgamation) Act, 1935, in the City of 1935, c. 74
Windsor; and whereas Assumption University of Windsor has
co-operated in the incorporation of the University of Windsor
by *The University of Windsor Act, 1962-63*; and whereas the 1962-63,
petitioner has prayed for special legislation varying the c. 194
provisions of its Act of Incorporation in relation to matters
hereinafter set out, and changing its name to Assumption
University; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation
- (a) "Board" means the Board of Governors of the
University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "Corporation" means the body corporate of the
University;
- (d) "President" means the President of the University;
- (e) "property" includes all property, both real and
personal;
- (f)

- (f) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (g) "Regents" means the Board of Regents of the University;
- (h) "Senate" means the Senate of the University;
- (i) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, demonstrators, and all others engaged in the work of teaching or giving instruction or in research;
- (j) "University" means Assumption University.

Corporation
continued

2. The corporation of Assumption College, and, since 1956, Assumption University of Windsor, is hereby continued as a body corporate with perpetual succession under the name "Assumption University", and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses and enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

Objects and
purposes

3. The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, spiritual, moral, social and physical development of its members and students and the betterment of society.

Powers

4. The University shall have university powers, including the power,

- (a) to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as may be determined by the Board;
- (b) to confer university degrees and honorary degrees and awards in any and all branches of learning;
- (c) to affiliate with or take into affiliation other universities, colleges and institutions of learning.

5. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*,^{Property R.S.O. 1960, c. 191} power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise, and to hold and enjoy, any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of such estate or property or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in place thereof, without licence in mortmain and without limitation as to the period of holding.

6. All property hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting such property, is vested in the University.^{Trust property vested in University}

7. Property vested in the University or in any federated or affiliated college or property vested in both the University and one or more federated or affiliated colleges, and any property leased to and occupied by the University or federated or affiliated colleges or leased to and occupied by the University and one or more federated or affiliated colleges, are not liable for taxation for provincial, municipal or school purposes, and are exempt from every description of such taxation so long as the same are actually used and occupied for the purposes of the University or of a federated or affiliated college.^{Tax exemption}

8. Property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any other person possessing the right to take land compulsorily for any purpose, and no power to expropriate real property hereafter conferred on any corporation, or upon any other person, shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.^{Property not liable to expropriation}

9. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.^{Application of statutes}

10. The property, and the income, revenues, issues and profits of all property, of the University shall be applied solely to achieving the objects and purposes of the University.^{Application of property to objects}

11. The funds of the University not immediately required for its purposes and the proceeds of all property which comes^{Investment of funds}

to the hands of the Board, subject to any trust or trusts affecting such funds and proceeds, may be invested and re-invested in such investments as the Board shall deem meet.

Borrowing
powers

12. The University, if authorized by by-law of the Board, may,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of its property to secure any money so borrowed or the fulfillment of the obligations incurred by it under any promissory note or bill of exchange signed, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations; provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the University.

Members
and officers
not in-
dividually
liable

13. Nothing herein contained has the effect of, nor shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account of or in respect of the University or for or on account of or in respect of any matter or thing whatsoever relating to the University.

Board of
Governors

14. The government, conduct, management and control of the University, and of its work, affairs and business and all other matters, are vested in the Board of Governors which has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University.

Composition

15.—(1) The Board shall be composed of,

(a) the President;

(b)

- (b) the Superior of the Basilian Fathers at the University and his two councillors;
- (c) the Treasurer of the University;
- (d) four other members, at least two of whom shall be members of the Congregation of St. Basil at the University, who shall be elected by the Board; and
- (e) such other persons and for such terms as the Board may by by-law prescribe.

(2) The members named in clauses *a*, *b* and *c* of subsection 1 shall be appointed by the Superior General of the Congregation of St. Basil, shall be *ex officio* members of the Board and shall hold office until their successors are appointed. ^{Terms of office}

(3) The members elected under clause *d* of subsection 1 shall be elected for terms of three years and shall be eligible for re-election on the expiration of their terms. ^{Idem}

16.—(1) The Board has power,

^{Powers of Board}

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the University, and to repeal or vary the same;
- (b) to appoint or elect members of the Board, other than *ex officio* members, and deans of faculties and members of the teaching staff and all other officers, employees and servants of the University.

(2) By-laws, rules and regulations made by the Board do not require confirmation by the members of the Corporation. ^{By-laws}

17. Without limiting the general powers conferred upon or vested in the Board, the Board may make by-laws, ^{Special by-laws}

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board, including an executive committee, and for conferring authority upon any such committees to act for the Board with respect to any matter or class or classes of matters;

(d)

- (d) providing for the appointment or establishment of such advisory, deliberative or administrative persons, offices and bodies of the University, including a Board of Regents, as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

Chancellor **18.**—(1) There shall be a Chancellor of the University who shall be appointed by the Board and who shall hold office for a term of four years and shall be eligible for re-appointment.

Degrees (2) The Chancellor is the titular head of the University and shall confer all degrees.

Idem (3) In the absence of the Chancellor and Vice-Chancellor, the Senate shall appoint one of its members to confer degrees.

President **19.**—(1) There shall be a President of the University who shall be a member of the Congregation of St. Basil appointed by the Superior General of the Congregation of St. Basil, and the President may at the same time be the Superior of the Congregation of St. Basil at the University.

Idem (2) The President is Vice-Chancellor and chief executive officer of the University and, in the absence of or in the case of a vacancy in the office of the Chancellor, shall perform the functions of the Chancellor, and, subject to the will of the Board, the President has the supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and also has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vice-President **20.** The Board may appoint a Vice-President of the University who shall be assistant to the President and, in the absence of or in the case of a vacancy in the office of President, shall perform the functions of the President, and who has such powers, rights and duties as shall be assigned to him by the Board.

Senate **21.**—(1) There shall be a Senate of the University composed of,

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Principal, or Academic Head, of each college within or affiliated with the University;

(d)

- (d) the dean of each faculty within the University;
- (e) the Superior of the Basilian Fathers at the University and his two councillors;
- (f) the Registrar of the University; and
- (g) such other persons as shall be appointed in accordance with the regulations of the Senate.

(2) The Vice-Chancellor is chairman of the Senate. Chairman

(3) The members of the Senate shall hold office until their successors are appointed or elected, as the case may be. Terms of
office of
Senate

22. Unless otherwise determined by by-law of the Board, the Senate has power, Powers of
Senate

- (a) to make regulations and by-laws for the conduct of its affairs, including the determination of the quorum necessary for the transaction of business;
- (b) to appoint an executive committee and such other committees as it may deem advisable, and to delegate to any such committee any of its powers;
- (c) to make regulations respecting, and to deal with, the admission of students, courses of study, conduct of examinations, qualifications for degrees, and the holding of Convocation;
- (d) to grant degrees, honorary degrees and diplomas;
- (e) to deal with matters arising in connection with the awarding of fellowships, scholarships, medals, prizes and other awards;
- (f) to determine, subject to ratification by the Board, the academic terms on which any new faculty, school, institute, department or course of study may be established in the University, or on which any college or school may become part of or be affiliated with the University.

23. The arts faculty of the University and the residential facilities of the University shall, in relation to the University of Windsor, be known as and may be called a college of the University of Windsor bearing as such college the name of Assumption College. Federation

Audit

24. The accounts of the University shall be audited at least once a year by an auditor appointed by the Board.

Reports to
Lieutenant
Governor
in Council

25. The University shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University, and such other reports as may be requested from time to time.

Conflict
1858, c. 136

26. In the event of any conflict between the provisions of the Act entitled *An Act to incorporate Assumption College, Sandwich, in the Diocese of London* and this Act, the provisions of this Act prevail.

Repeal:

27. The following are repealed:

1953, c. 111

1. *The Assumption University of Windsor Act, 1953.*

1956, c. 94

2. *The Assumption University of Windsor Act, 1956.*

Commence-
ment

28. This Act comes into force on the day it receives Royal Assent.

Short title

29. This Act may be cited as *The Assumption University Act, 1964.*

CHAPTER 126

An Act respecting the City of Barrie

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the City of Barrie by ^{Preamble} its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is deemed expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the City of Barrie ^{Grant authorized} may, out of current revenue of the Corporation, grant in the years 1964 to 1973, inclusive, a sum of money, not exceeding \$4,000 annually, to the Barrie Y.M.-Y.W.C.A. for its building fund for the erection of a Y.M.C.A. building in the City of Barrie.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The City of Barrie Act, 1964.* ^{Short title}

CHAPTER 127

An Act to incorporate Brock University

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS Brock University, hereinafter called the ^{Preamble} Charter Corporation, by its petition has represented that it was incorporated under *The Corporations Act* by ^{R.S.O. 1960, c. 71} letters patent bearing date October 31, 1962; and whereas the petitioner has prayed for special legislation providing for modification of its organization, government and administration, and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Board" means the Board of Governors of the University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "President and Vice-Chancellor" means the President and Vice-Chancellor of the University;
- (d) "property" includes all property of any kind or nature, both real and personal;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) "Senate" means the Senate of the University;
- (g) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (h) "University" means Brock University.

Brock
University
incorporated

2.—(1) The persons named in section 6 and such other persons who may hereafter become members of the Board are hereby created a body corporate with perpetual succession and a common seal under the name of "Brock University".

Property of
Charter
Corporation
vested in
University

(2) The property of the Charter Corporation is hereby vested in Brock University, and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby assumed by Brock University.

Charter
Corporation
dissolved

(3) The Charter Corporation is dissolved sixty days after the day this Act comes into force.

Objects and
purposes of
University

3. The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties
and schools

4. The University has power to establish and maintain such faculties, schools, institutes, departments, chairs and courses as the Senate deems necessary and as shall be approved with respect to finances and facilities by the Board.

Degrees

5. The University has power and authority to grant any and all university degrees and honorary degrees and diplomas in all branches of learning.

Provisional
Board

6. The Board of Governors, until reconstituted in accordance with section 7, shall consist of the following persons: Arthur Albert Schmon, Donald Gilpin Willmot, William Barto Gunning, James Murray Trott, Elzear John Barbeau, William Bartlett Cameron Burgoyne, Earl Davey, James Alexander Gibson, Richard Lancaster Hearn, Wilfrid Sarsfield Martin, Arthur Clouston Rae, and Earle Sheridan Howard.

Composition
of Board

7. Within two years after the coming into force of this Act, the Board shall be reconstituted to consist of,

- (a) the Chancellor *ex officio*;
- (b) the President and Vice-Chancellor *ex officio*;
- (c) such number of members, not exceeding thirty nor less than twenty as may be prescribed by by-law of the Board, elected or appointed for a term of up to four years in the manner prescribed by by-law of the Board.

8. No person on the teaching staff or administrative staff ^{Eligibility of staff} of the University, other than the Chancellor and the President, shall be a member of the Board.

9. The Board shall elect a chairman from among its ^{Chairman of Board} members.

10. After thirty days notice to any member of the Board, ^{Declaration of vacancy} the Board may, by resolution passed by at least two-thirds of the total members of the Board by votes cast at a meeting of the Board, declare vacant the seat of such member.

11. Except as to such matters specifically assigned by this ^{Powers of Board} Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, but without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President and Vice-Chancellor;
- (b) to appoint and remove the Vice-Presidents, the heads and associate heads of faculties and colleges, other than affiliated colleges of the University, and the professors and other members of the teaching staff of the University, provided that all such appointments of the Board shall be made from among such persons as may be recommended by the President and Vice-Chancellor, and to appoint and remove all other officers, agents and servants of the University;
- (c) to fix the number, duties and salaries and other emoluments of the officers, clerks, employees, agents and servants of the University;
- (d) to appoint an executive committee and such other committees as it deems desirable, and to delegate to any such committee any of the powers of the Board;
- (e) to borrow money for the purposes of the University and give security therefor on such terms and in such amounts as it deems advisable;
- (f) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

Senate

12. There shall be a Senate of the University composed of,

- (a) the Chancellor *ex officio*;
- (b) the President and Vice-Chancellor *ex officio*;
- (c) the deans of all faculties *ex officio*;
- (d) such other persons elected or appointed as the Senate determines and the Board confirms.

Powers of
Senate

13. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of faculties are concerned, may create such faculties, departments, schools or institutes or establish chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

- (a) to elect the Chancellor;
- (b) to control, regulate and determine the educational policy of the University;
- (c) to determine the courses of study and standards of admissions to the University and continued membership therein, and qualifications for degrees and diplomas;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;
- (f) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a University;
- (g) to confer honorary degrees in any department of learning;
- (h) to create faculty councils of committees and committees generally to exercise its powers.

President
and
Vice-
Chancellor

14.—(1) There shall be a President and Vice-Chancellor of the University, who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

(2) The Board may appoint, on the recommendation of the President and Vice-Chancellor, a Vice-President or Vice-Presidents, one of whom shall act in the absence of the President and who shall have such other powers and duties as may be conferred upon him or them by the Board on the recommendation of the President. ^{Vice-Presidents}

(3) The President is Vice-Chancellor and chief executive officer of the University, and he, ^{Powers and duties of President}

(a) in the absence of or vacancy in the office of Chancellor, shall perform the functions of the Chancellor;

(b) shall be the chairman of the Senate;

(c) shall supervise and direct the implementation of the educational policy and general administration of the University, the teaching staff thereof and the students thereof;

(d) shall have sole authority to recommend academic and senior administrative appointments, promotions and termination of appointment; and

(e) shall have such other powers and duties as may be assigned to him from time to time by the Board.

15. The Senate shall elect a Chancellor, who shall be the titular head of the University, who shall confer all degrees and diplomas and who shall, subject to the will of the Senate, hold office for three years or until his successor is elected. ^{Chancellor}

16. No religious test shall be required of any member of the teaching staff, officer or servant or agent or of any member of the University, nor shall attendance upon or participation in any religious institution or observance be at any time other than voluntary. ^{Religious tests not required}

17. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and sell, grant, convey, pledge, mortgage, hypothecate, lease or otherwise dispose of or encumber such estate or property or any part thereof from time to time and, as occasion requires, to acquire any estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding. ^{Property R.S.O. 1960, c. 191}

Vesting of
property

18. All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Charter Corporation or in trust for the benefit of the Charter Corporation is vested in the University, subject to any trust or trusts affecting the property.

Tax
exemption

19. The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation or other imposition for provincial, municipal or school purposes, and shall be exempt from every description of taxation or other imposition so long as the same are actually used and occupied for the purposes of the University.

Property
not liable to
expropria-
tion

20. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, and no power to expropriate real property hereafter conferred shall extend to such property unless the Act conferring such power applies expressly thereto.

Powers of
expropria-
tion

21. The University has university powers, including the power, without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board.

R.S.O. 1960,
c. 249

Application
of statute of
limitations

22. All property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Application
of property

23. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Investment
of funds

24. The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the Board, subject to any trust or trusts affecting them, may be invested and re-invested from time to time in such investments as the Board in its absolute discretion deems meet.

25. The University, if authorized by by-law of the Board, ^{Borrowing power} may,

- (a) borrow money on its credit in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any money so borrowed or the fulfillment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations.

26. The University has the power and capacity to affiliate ^{Power of affiliation} with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

27. The accounts of the University shall be audited at ^{Audit} least once a year by an auditor appointed by the Board.

28. The University shall submit to the Lieutenant Gov- ^{Annual report} ernor in Council, upon request, the annual report of the University and such other reports as may be required from time to time.

29. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

30. This Act may be cited as *The Brock University Act*, ^{Short title} 1964.

CHAPTER 128

An Act respecting the Town of Cochrane

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the Town of Cochrane ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any provision of *The Municipal Act*, ^{Fixed assessment authorized R.S.O. 1960, c. 249} the council of The Corporation of the Town of Cochrane is hereby authorized and empowered to pass a by-law, with the assent of the electors qualified to vote on money by-laws, for fixing the assessment of the property of Cochrane Industries Limited, carrying on a plywood manufacturing business within the Town of Cochrane, on such terms and conditions as the council deems proper.

2. The fixed assessment shall not be for a longer period ^{Term} than five years and shall not be renewable.

3. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

4. This Act may be cited as *The Town of Cochrane Act*, ^{Short title} 1964.

CHAPTER 129

**An Act respecting the Township School Area
of the Township of Erin**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Public School Board of the Township ^{Preamble}
School Area of the Township of Erin, herein called the
Board, by its petition has represented that Joseph Smith
et ux conveyed to the Trustees of School Section No. 5 in
the Township of Erin, by registered Instrument No. 17247-D3,
part of the south-easterly half of the westerly half of Lot
No. 18 in the Sixth Concession of the Township of Erin, more
particularly described therein, in trust "to and for the use of
a Common School (and Teachers residence) in and for School
Section No. 5 in the Township of Erin . . . and for the educa-
tion of the resident youth of the said School Section"; that
William Kennedy et ux conveyed to the Trustees of the
Common School Section No. 7 in the Township of Erin, by
registered Instrument No. 1818-D8, part of the east half of
Lot No. 11 in the Fifth Concession of the Township of Erin,
more particularly described therein, in trust "to and for the
use of a common School in and for School Section No. 7 in
the Township of Erin . . . and for the education of the resident
youth of the said School Section"; that Gideon Awrey et ux
conveyed to the Trustees of the Common School Section
No. 9 in the Township of Erin, by registered Instrument
No. 2168-D9, part of the easterly half of Lot No. 23, more
particularly described therein, in trust "to and for the use of
a common School in and for School Section No. 9 in the
Township of Erin . . . and for the education of the resident
youth of the said School Section"; that John Campbell con-
veyed to the Trustees of the Common School Section No. 12
in the Township of Erin, by registered Instrument No.
2613-D10, part of the west half of Lot No. 27 in the Sixth
Concession of the Township of Erin, more particularly de-
scribed therein, in trust "to and for the use of a common
School (and Teachers Residence) in and for the School Sec-
tion No. 12 in the Township of Erin . . . and for the education
of the resident youth of said School Section"; that School
Sections Nos. 5, 7, 9 and 12 now form part of the Township
School Area of the Township of Erin; and that the whole of
such lands have been used for the school purposes of School

Sections Nos. 5, 7, 9 and 12, respectively, in the Township of Erin, and such lands are no longer required for school purposes; and whereas the petitioner has prayed for special legislation annulling such trusts and permitting it to sell such lands; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power of
sale

1. The Board shall have full power and authority to sell all or any of, *Firstly*, all that parcel of land situate, lying and being in the Township of Erin, in the County of Wellington and Province of Ontario, containing by admeasurement one-half acre be the same more or less, being composed of a part of the south-easterly half of the westerly half of Lot No. 18 in the Sixth Concession of the Township of Erin, and described as follows:

COMMENCING where a post has been planted in the North Westerly limit of the allowance for road between Lots numbers seventeen and eighteen in the aforesaid Township of Erin at a distance of ten chains from the Southerly angle of Lot number eighteen aforesaid, Thence North Easterly keeping the North Westerly limit of said allowance for road two chains twenty-two links and two-ninths of a link to a post, Thence North Westerly perpendicular to said allowance for road two Chains and twenty-five links to a post, Thence South westerly parallel to said allowance for road two chains twenty-two links and two-ninths of a link to a post, Thence South Easterly perpendicular to said allowance for road two chains and twenty-five links to the place of beginning,

and *Secondly*, all that parcel of land and premises situate, lying and being in the Township of Erin, in the County of Wellington and Province of Ontario, containing by admeasurement one-half acre be the same more or less, being composed of a part of the east half of Lot No. 11 in the Fifth Concession of the Township of Erin, described as follows:

COMMENCING where a post has been planted in the Northwesterly limit of the allowance for Road between lots number ten and eleven in the fifth Concession of the said Township of Erin and at the distance of fourteen Chains and seventy-five links from the Easterly angle of said half Lot, Thence South thirty-seven degrees forty-six minutes West keeping the Northwesterly limit of said allowance for Road three Chains to a post, Thence North forty-five degrees eleven minutes West one Chain and sixty-seven links to a post, Thence North thirty-seven degrees forty-six minutes East three Chains to a post, Thence South forty-five degrees eleven minutes East one Chain and sixty-seven links to the place of beginning,

and *Thirdly*, all that parcel of land situate, lying and being in the Township of Erin, in the County of Wellington and Province of Ontario, containing by admeasurement two roods,

being

being composed of a part of the easterly half of Lot No. 23 in the Second Concession of the Township of Erin, described as follows:

COMMENCING where a post has been planted in the Southeasterly limit of said half Lot and being in the Northwesterly limit of the allowance for Road between Lots number twenty-two and twenty-three in the Second concession of the said Township of Erin and at the distance of fifteen Chains and thirty-four and a half links more or less from the Easterly angle of said half Lot, Thence Southwesterly keeping the Northwesterly limit of the allowance for said Road two Chains and fifty links to a post; Thence Northwesterly parallel with the concession line two Chains to a post; Thence Northeasterly parallel with said allowance for Road two Chains and fifty links to a post; Thence Southeasterly parallel with the concession line two chains to the place of beginning,

and *Fourthly*, all that parcel of land situate, lying and being in the Township of Erin, in the County of Wellington and Province of Ontario, containing by admeasurement three roods be the same more or less, being composed of a part of the west half of Lot No. 27 in the Sixth Concession of the Township of Erin, and may be further described and known as follows:

COMMENCING where a post has been planted in the Northeasterly limit of the allowance for Road between the fifth and sixth Concessions and at the distance of one chain from the Westerly angle of said half Lot; Thence Northeasterly parallel with the Northwesterly limit of said half Lot two chains and fifty links to a post; Thence Southeasterly parallel with said allowance for Road three chains to a post; Thence Southwesterly parallel with the Northwesterly limit of said half Lot two chains and fifty links to the Northeasterly limit of said allowance for Road; Thence Northwesterly keeping the Northwesterly limit of said allowance for Road three chains to the place of beginning.

2. A deed executed by the chairman and secretary of the Board for the time being under the corporate seal vests in the purchaser all the right, title and interest of the Board in, to or out of the lands and premises conveyed by the deed, free from all trusts whatsoever contained or set out in the above-recited deeds. ^{Conveyance free of trusts}

3. After payment of the expense of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, the Board shall use the net proceeds thereof to defray the cost of the acquisition of school sites. ^{Use of net proceeds}

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Erin Township School Area Act, 1964*. ^{Short title}

CHAPTER 130

An Act respecting the City of Hamilton

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the City of Hamilton ^{Preamble}
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Subsection 1 of section 1 of *The City of Hamilton* <sup>1951, c. 103,
s. 1, subs. 1,
amended</sup>
Act, 1951, as amended by subsection 1 of section 5 of *The*
City of Hamilton Act, 1958 and section 1 of *The City of Hamilton*
Act, 1960-61, is further amended by striking out “Subject to
the approval of the Ontario Municipal Board” in the first
and second lines, so that the subsection, exclusive of the
clauses, shall read as follows:

(1) The council of The Corporation of the City of ^{By-laws re}
Hamilton may pass by-laws,

.

(2) The said section 1 is further amended by adding thereto <sup>1951,
c. 103, s. 1,
amended</sup>
the following subsection:

(6) No part of any by-law passed under this section shall <sup>Approval of
O. M. B.</sup>
come into force without the approval of the Ontario
Municipal Board, and such approval may be for a
limited period of time only, and the Board may
extend such period from time to time upon applica-
tion made to it for such purpose.

2.—(1) A by-law amending or revising By-law No. 4797 <sup>Previous
by-laws not
invalid for
lack of
approval</sup>
or By-law No. 4798, passed pursuant to section 1 of *The City of*
Hamilton Act, 1951, as amended by section 5 of *The City of*
Hamilton Act, 1958 and section 1 of *The City of Hamilton Act,*
1960-61, is not invalid and shall be deemed never to have been
invalid solely because of the lack of approval by the Ontario
Municipal Board prior to the passing thereof by the council
of The Corporation of the City of Hamilton.

Application

(2) Subsection 1 does not apply to a by-law that never at any time received approval by the Ontario Municipal Board, and does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, nor the outcome of any litigation or proceedings commenced on or before the day on which this Act comes into force.

1958,
c. 138, s. 1,
repealed

3. Section 1 of *The City of Hamilton Act, 1958* is repealed.

By-laws for
regulating
market
R.S.O. 1960,
c. 249

4.—(1) The powers of the council of The Corporation of the City of Hamilton under *The Municipal Act* to pass by-laws for regulating markets shall include, and shall be deemed always to have included, power to pass by-laws,

- (a) for prescribing what shall and what shall not be sold or offered or exposed for sale on the market;
- (b) for prohibiting the selling, offering or exposing for sale of anything on the market by other than the producer or members of his immediate family residing with him or persons in his regular employment, or for prescribing what may be sold, offered or exposed for sale on the market by other than the producer, and by what class or classes of persons, and under what conditions;
- (c) for licensing, regulating and governing persons who, not being the producers thereof or regular employees or members of the immediate family of the producer residing with him, sell, offer or expose for sale anything on the market; and
- (d) for prohibiting the parking or leaving of any vehicle on the market place in contravention of the provisions of any by-law to regulate the market, and providing for the removal and impounding at the expense of the owner thereof of any vehicle so parked or left.

Application
to farmers,
market
gardeners,
etc.

(2) Nothing in this section shall be deemed to give power to prohibit a farmer, dairy farmer, market gardener, florist or bee-keeper from selling, offering or exposing for sale on the market such produce of his farm, garden, nursery or apiary in Ontario as constitutes articles of usual daily consumption in Ontario.

Driver and
owner of
motor
vehicle
liable to
penalties

(3) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under clause *d* of subsection 1, and the owner of the vehicle is also liable to such a penalty unless at the time the offence was

committed

committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

5. The council of The Corporation of the City of Hamilton may pass by-laws for licensing, regulating and governing chimney-repair men and persons engaging in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout shelters, and for refusing a licence to any applicant who is not of good character or who has not in the municipality a place of business where he either is assessed for business tax with respect to such business or has, before commencing such business, paid a licence fee pursuant to a by-law, if any, passed under the authority of paragraph 18 of section 401 of *The Municipal Act*, and for revoking such licence.

By-laws for
licensing
chimney-
repair
men, etc.

(a) No such by-law applies to any building contractor whose principal business is the construction of buildings or structures.

(b) The fee to be paid for a licence shall be \$2.

6. The authority conferred upon boards of commissioners of police of cities having a population of not less than 100,000 by paragraphs 3, 5, 10 and 12 of section 401 of *The Municipal Act* shall henceforth be exercised by the council of The Corporation of the City of Hamilton instead of by The Board of Commissioners of Police of the City of Hamilton.

Transfer of
jurisdiction

7. The provisions of Part XXI of *The Municipal Act* apply *mutatis mutandis* to every by-law passed under sections 4, 5 and 6 of this Act.

Application
of
R.S.O. 1960,
c. 249

8. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

9. This Act may be cited as *The City of Hamilton Act*, 1964.

Short title

CHAPTER 131

An Act respecting Huron College

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS Huron College by its petition has represented ^{Preamble} that it was incorporated by *An Act to incorporate "Huron College"*, being chapter 31 of the Statutes of the Province of Canada, 1863 (26 Victoria), and that the provisions of its Act of incorporation have been varied by *The Huron College Act, 1958*, and has prayed for special legislation amending the provisions of *The Huron College Act, 1958* in relation to its organization, government and administration; and whereas it is expedient to grant the prayer of the petition; ^{1958, c. 139}

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Huron College Act, 1958* is repealed ^{1958, c. 139, s. 18, re-enacted} and the following substituted therefor:

18. The Bishop of Huron shall be the Chairman of the ^{Chairman} the Corporation.

2. Section 20 of *The Huron College Act, 1958* is repealed ^{1958, c. 139, s. 20, re-enacted} and the following substituted therefor:

20. In the case of the absence or illness of the Chairman ^{Absence of Chairman, etc.} of the Corporation, the Coadjutor Bishop, or, if there is no Coadjutor Bishop or in the case of the absence or illness of the Coadjutor Bishop, the Suffragan Bishop, or, if there is more than one Suffragan Bishop, the Senior Suffragan Bishop, shall preside at all meetings of the Corporation and at all convocations and shall have all the powers of the Chairman of the Corporation, and, in the case of the absence or illness of the Chairman of the Corporation, the Coadjutor Bishop and the Suffragan Bishop or Bishops, the Corporation may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the Chairman of the Corporation.

1958, c. 139,
s. 21,
repealed

3. Section 21 of *The Huron College Act, 1958* is repealed.

1958, c. 139,
s. 22,
re-enacted

4. Section 22 of *The Huron College Act, 1958* is repealed and the following substituted therefor:

Executive
Board

22. There shall be an Executive Board of the College to consist of the Bishop of Huron, any Coadjutor or Suffragan Bishop of Huron, the Principal, the Chairman of the Executive Board, and twelve members appointed as provided in subsection 4 of section 8.

1958, c. 139,
s. 24,
re-enacted

5. Section 24 of *The Huron College Act, 1958* is repealed and the following substituted therefor:

Filling
vacancies

24.—(1) Where a vacancy on the Executive Board occurs before the expiration of the term of office for which a member has been elected or appointed, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was elected or appointed, and the member so elected or appointed shall hold office for the remainder of the term of office of the member whose membership became vacant.

Election
of Chairman
creates
vacancy

(2) The election of a lay member as Chairman of the Executive Board shall be deemed to create a vacancy on the Executive Board.

1958, c. 139,
s. 25,
re-enacted

6. Section 25 of *The Huron College Act, 1958* is repealed and the following substituted therefor:

Chairman of
Executive
Board

25.—(1) There shall be a Chairman of the Executive Board who shall be elected by the Executive Board from among its lay members to hold office for a term of four years commencing with the date of his election and continuing thereafter until his successor is elected.

Eligibility
for
re-election

(2) No Chairman of the Executive Board shall be eligible for re-election until at least one year has elapsed after the termination of his latest term of office.

Absence

(3) In the absence or illness of the Chairman of the Executive Board, the Executive Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the Chairman of the Executive Board.

- (4) The Comptroller, Bursar or other senior financial^{Secretary} officer of the College shall be Secretary of the Executive Board but shall not be entitled to vote at proceedings thereof.

7. This Act comes into force on the day it receives Royal^{Commence-}
Assent.^{ment}

8. This Act may be cited as *The Huron College Act, 1964*. Short title

CHAPTER 132

An Act respecting the City of London

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the City of London, ^{Preamble} herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to *The Ontario Water Resources Commission Act*, ^{Waterworks agreement authorized R.S.O. 1960, c. 281} the Corporation and The Public Utilities Commission of the City of London shall be deemed to have been authorized and empowered to enter into the agreement, set forth as Schedule A hereto, and are authorized and empowered to carry out and perform the terms thereof, subject to the approval of the Ontario Municipal Board being obtained from time to time as provided therein.

2.—(1) Section 11 of *The City of London Act, 1959* is ^{1959, c. 120, s. 11, repealed} repealed.

(2) Schedule B to *The City of London Act, 1959* is ^{1959, c. 120, Sched. B, repealed} repealed.

3. The Corporation is authorized and empowered, and has been so empowered, to undertake and complete as a local improvement under *The Local Improvement Act* the works referred to in the by-law of the Township of London, passed as No. 3460, under which, with the approval of the Ontario Municipal Board, as shown in its order made on the 24th day of November, 1960, File No. PFE-6074-60, the Corporation has carried out such works, being a sanitary sewer on Forest Lawn Street from Dundas Street to the northerly limit of lands shown on Plan No. 611, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex, and a sanitary sewer on Mountbatten Street from Forest Lawn Street to a point 75 feet east of the easterly limit of Mountbatten Street, according to the said registered Plan No. 611, and to levy rates therefor. ^{Local improvements authorized R.S.O. 1960, c. 223}

By-laws to
supersede
subdivision
agreements
as to land
uses

4. Where municipalities, from which areas were annexed to the City of London pursuant to the order of the Ontario Municipal Board, made on the 3rd day of October, 1960, File No. PFM-7054-58, had entered into an agreement with a land developer for the subdivision of land, which agreement contained land use regulations, and subsequently, from time to time, a by-law or by-laws of the Corporation are enacted that are at variance with such regulations, the provisions of such by-law or by-laws, when approved by the Ontario Municipal Board, shall supersede the provisions of the agreement so far as they relate to land uses and as they are at variance with such by-law or by-laws, and such provisions of the agreement shall have no further force or effect.

Underground
wires and
cables

R.S.C. 1952,
c. 234

5. Where a subdivision of land within the City of London has heretofore been or is hereafter developed with electric power services placed underground, the Corporation is empowered, subject to the provisions of the *Railway Act* (Canada), to pass by-laws requiring all electric power services, telephone, radio, television or telecommunication wires and cables in such subdivision to be placed underground.

Contribu-
tions to
local im-
provement
works

R.S.O. 1960,
c. 223

6.—(1) Where works have heretofore been or are hereafter constructed under *The Local Improvement Act* and rates have been levied therefor, of which all or part have not become due and are outstanding, and, after imposition of such rates, contributions to the work have been paid to the Corporation, the Corporation is authorized and empowered by by-law to apply such contributions, or any part thereof, on account of the cost of the work and to reduce each of the yearly levies therefor that thereafter become due by a proportion of the amount so applied in the ratio that such levies on individual properties bear to the total of such yearly levies on all properties.

Idem

(2) Any part of such contributions not so applied by by-law shall, by resolution of the council, become part of the general funds of the Corporation.

Agreement
confirmed

7. The agreement between the Corporation, The Corporation of the County of Middlesex and The London Chamber of Commerce, dated the 8th day of August, 1962, and set forth as Schedule B hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Repeal of
awards re
drainage
works

R.S.O. 1960,
cc. 252, 109

8.—(1) Wherever it is expedient to provide for the construction of a storm sewer or drain within the City of London to serve an area which will include that served, in whole or in part, by a drainage work constructed under the provisions of *The Municipal Drainage Act*, *The Ditches and Watercourses Act* or any predecessor of such Acts, the Corporation is author-

ized and empowered by by-law, where there are no outstanding debentures in respect of such drainage work, to repeal any by-law or award under which the drainage work has been constructed, and thereupon such drainage work shall be deemed to be abandoned and to cease to exist, and the by-law or award under which the same was constructed, and all liability thereunder, including all assessments and levies thereafter becoming due, shall be terminated and of no further force or effect.

(2) In the event that there are outstanding debentures in ^{Where} respect of any such drainage work, the Corporation may ^{debentures} exercise the foregoing power with like effect, provided the ^{outstanding} outstanding payments on the debentures are assumed and paid by the Corporation from its general funds, which it is empowered to do, but the Corporation's rights to recover the levies due and unpaid shall be preserved.

9. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

10. This Act may be cited as *The City of London Act, 1964*. ^{Short title}

SCHEDULE A

THIS AGREEMENT made in duplicate the 10th day of February, A.D. 1964.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON,
(hereinafter called the "City"),

OF THE FIRST PART,

— and —

THE PUBLIC UTILITIES COMMISSION OF THE CITY OF
LONDON,
(hereinafter called the "Commission"),

OF THE SECOND PART.

WHEREAS by Agreement dated the 14th day of May, 1963 the parties hereto have agreed that certain works shall be undertaken for the purpose of ensuring an adequate water supply for the City of London;

AND WHEREAS the contemplated works include:

- (a) additional wells in the Komoka area together with a pipeline to carry the water obtained therefrom to the London watermain system;
- (b) large feeder mains encircling and bisecting the City to provide for equal pressure when Lake Huron water is delivered at London; and
- (c) a water pipeline from Lake Huron, together with an intake, pumping stations, reservoir(s) and filtration plant, all as described in Scheme B of a report by an Engineering Board of Review dated December 31, 1962, and compiled by W. K. Clawson of M. M. Dillon & Company Limited, James F. MacLaren of James F. MacLaren Limited, and N. G. McDonald (Chairman) of Gore and Storrie Limited.

AND WHEREAS by Order dated the 16th day of July, 1963 the Ontario Municipal Board did order that the Commission may proceed with that part of the contemplated works hereinafter mentioned and that the City may pass the requisite by-laws, including debenture by-laws, and may borrow money to the extent sufficient to provide an amount not exceeding \$2,453,400.00 therefor:

- (a) *Komoka Wells Development*
 - 1. Building and Fixtures
 - 2. Pumping Equipment
 - 3. 24" Main, Komoka to Springbank
- (b) *Reservoir, Springbank*
Construction
- (c) *Lake Huron Pipeline*
 - 1. Right-of-way
 - 2. Aerial Mapping
 - 3. Aerial Survey
- (d) *Mains*
 - 1. 16" Wellington Road, Highway 135 to 2nd Concession
 - 2. 18" Dundas, Highbury to Clarke Sideroad
 - 3. 16" Highbury, Trafalgar to Meadowlily
 - 4. 16" Fanshawe Road, Richmond to west of Adelaide

Total

Total Estimated Cost..... \$ 3,213,450
Amount to be debentured... \$ 2,453,400

AND WHEREAS the parties intend by these presents to confirm the said Agreement dated the 14th day of May, 1963 and to clarify the intent thereof.

NOW THEREFORE the parties hereto agree as follows:

- 1. The Commission shall make applications, or use its best endeavours to cause applications to be made, to all boards, tribunals and governmental authorities having jurisdiction for all approvals, permissions and authorizations required to carry out this Agreement, except applications for special legislation required to empower the parties to carry out and perform this Agreement and except approvals and authorizations of the Ontario Municipal Board both of which shall be applied for by the City. Each party shall give such assistance as may be reasonably required by the other in connection with any such application made or caused to be made by the other and whenever necessary shall permit applications by the other to be made in its name either alone or jointly with the other.
- 2. The Commission shall forthwith engage consultants and order preparation of preliminary plans and specifications and plans of survey for the pipeline from Lake Huron, adequate for the establishment of the pipeline route, intake point, pumping stations, filtration plant and reservoir sites, for the immediate acquisition of the necessary lands including easements and for the subsequent preparation of detailed plans and specifications, and shall in due course order preparation of detailed plans and specifications and call for tenders.
- 3. The Commission shall construct the works mentioned in the following schedule, within the times indicated in the said schedule to the extent that it shall be possible and reasonably practicable to adhere to the said time schedule, it being the intent of the parties that additional supplies of water shall be obtained from wells in the Komoka area throughout the period 1963 to 1970 and that water shall be delivered in London from the water pipeline from Lake Huron in accordance with its initial capacity during the year 1970:

Work	Estimated Cost	Year by Which Work is to be Undertaken
	\$	
(a) Komoka Wells Development, Springbank Reservoir, Right-of-Way to Lake Huron and Engineering & Distribution System.....	3,213,450.00	1963
(b) Pipeline Intake, Distribution System and Pipeline Construction.....	2,077,000.00	1964
(c) Pumping Station, Pipeline Construction and Distribution System Construction.....	2,091,000.00	1965
(d) Treatment Plant, Terminal Reservoir, Pipeline Construction, Distribution System Construction.....	2,105,000.00	1966
(e) Terminal Pumping Station, Pipeline Construction, Distribution System Construction...	2,119,000.00	1967
(f) Pipeline Construction & Distribution System Construction.	2,133,000.00	1968
(g) Pipeline Construction, Distribution System Construction..	2,047,000.00	1969
(h) Pipeline Construction & Distribution System Construction.	2,061,000.00	1970

After the year 1970 the program of construction of the Lake Huron water pipeline and its ancillary works shall continue in order to enlarge its capacity and to enable the Commission to maintain an adequate water supply in accordance with increased requirements.

4. The Commission undertakes and agrees to provide out of water revenues the annual sums required to retire the principal and to pay the interest as it falls due on all debentures for water purposes now outstanding and hereafter issued by the City whether pursuant to this Agreement or otherwise.

5. Commencing in 1964 the City shall pay \$75.00 per annum to the Commission for each and every fire hydrant (other than privately owned hydrants, or hydrants owned and paid for by provincial or federal government agencies or departments) which is at the date of this Agreement, in existence and available for use in the fighting of fires in the municipality, together with the same amount per annum for each and every fire hydrant hereafter installed with the authorization or at the request of the City, and the Commission agrees that the said sum shall be accepted during the term of this Agreement in full settlement of the cost of hydrant rental, of water used in the fighting of fires and all other benefits which accrue to the City therefrom.

6. The City acknowledges and agrees that it may be necessary for the Commission to change the water rates from time to time in order to provide the income necessary to carry out the undertakings covered by this Agreement.

7. The City consents to and authorizes the establishment and maintenance by the Commission of the following reserve funds pursuant to and subject to the provisions of Section 298 of *The Municipal Act*, R.S.O. 1960, Chapter 249, namely:

(a) accumulated working capital and rate stabilization reserve,

(b) accumulated reserve for construction and maintenance charges,

subject to the limitation that the amounts to be credited to the said reserves in any year shall not exceed, in the case of (a) $\frac{1}{2}$ of 1% of the revenue in that year from water rates, and in the case of (b) 1% of the expenditure in that year for capital construction. Nothing herein contained shall be deemed to require the Commission to establish the said reserve funds or either of them or to raise or credit any moneys to the said reserve funds in any year. All moneys raised for or credited to the said reserve funds shall be paid to the Finance Commissioner of the City, as fiscal agent for the Commission and not as treasurer of the municipality, to be deposited or invested by him in trust for the Commission as directed from time to time by the Commission and to be repayable from time to time in whole or in part to the Commission forthwith upon requisition by the Commission for expenditure by the Commission for the purposes for which the reserve funds are established.

8. Subject at all times to the approval of the Ontario Municipal Board so long as such approval shall be required by statute, and subject to repayment in accordance with the terms of paragraph 4 of this Agreement, the City shall raise by the issue of debentures for the purposes contemplated by this Agreement:

(a) the following approximate amounts, namely:

TABLE OF DEBENTURES TO BE ISSUED

Amount	Year of Issue
\$	
2,453,400.00.....	1963
1,477,000.00.....	1964
1,600,000.00.....	1965
1,729,000.00.....	1966
1,899,000.00.....	1967
2,094,000.00.....	1968
2,043,000.00.....	1969
2,044,000.00.....	1970
407,000.00.....	1971
2,877,000.00.....	1972
440,000.00.....	1973
454,000.00.....	1974
440,000.00.....	1975
478,000.00.....	1976
1,694,000.00.....	1977
507,000.00.....	1978
2,098,000.00.....	1979
321,000.00.....	1980
190,000.00.....	1981
982,000.00.....	1982

- (b) Such further sums as the Commission may require from time to time for the capital construction purposes contemplated by this Agreement.

This Agreement is entered into upon the express understanding and condition that the amounts and dates set forth in this paragraph and in paragraph 3 constitute approximate and imperfect estimates made prior to the preparation of the preliminary and detailed plans, specifications and plans of survey referred to in paragraph 2, and made without regard to possible changes in the purchasing power of the dollar and that these estimates will require adjustment from time to time in accordance with the requirements of the engineering construction program and actual costs incurred.

9. The Commission, as statutory agent for the City, shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks plant and equipment serving the City of London, including the water pipeline from Lake Huron and its ancillary works, both within and outside the City of London, and the right to establish whether and the terms upon which municipalities or persons outside the City of London may be allowed to connect to the water pipeline as consumers, and the rates to be charged for water delivered to such consumers. The responsibility, authority, capacity and power of the Commission shall be subject to the provisions of *The Public Utilities Act* and an *Act for the Construction of Waterworks for the City of London*, Statutes of Ontario 1873, 36 Victoria, Chapter 102, and other relevant provincial statutes and all amendments to all of the aforesaid statutes from time to time.

10. Nothing contained in this Agreement shall be deemed to affect the powers of the Ontario Municipal Board or of the Ontario Water Resources Commission.

11. If the powers of the Commission in the City of London with respect to water supply matters shall at any time hereafter be terminated, all of the Commission's rights, authority, powers, capacity, privileges and obligations under this Agreement shall vest in and be imposed upon the City.

12. Neither party shall be under any liability for delays or failures to perform undertakings hereunder when such delays or failures are due to fires, strikes, floods, acts of God, or the Queen's enemies, acts of public authority, or any delays or defaults which cannot reasonably be foreseen

or provided against. Whenever such delays or defaults occur, the times for completion of the works referred to herein and of this Agreement shall be extended for such reasonable times as may be necessary having regard to the nature and duration of such delay or default.

13. Any amendment of this Agreement shall be in writing, executed under seal by both parties and subject to the approval of the Ontario Municipal Board.

14. This Agreement shall continue in full force and effect until December 31, 2002 or until all of the debentures issued pursuant to this Agreement have been repaid, whichever shall occur first.

15. This Agreement supersedes an Agreement between the parties hereto dated the 16th day of December, 1963.

16. This Agreement shall come into force and take effect upon receiving the authority and confirmation of an Act of the Ontario Legislature empowering the parties to carry out and perform the same. The City shall apply for Special Legislation giving the City and the Commission all necessary powers, authority and capacity to carry out and perform their respective obligations and responsibilities under this Agreement, and the Commission agrees to support the application of the City for Special Legislation before the Private Bills Committee of the Legislature.

SIGNED, SEALED AND DELIVERED

[SEAL]

[SEAL]

THE CORPORATION OF THE CITY
OF LONDON:

F. GORDON STRONACH,
Mayor.

R. H. COOPER,
City Clerk.

THE PUBLIC UTILITIES COMMISSION
OF THE CITY OF LONDON:

J. M. GILLIES,
Chairman.

C. H. KEW,
Secretary.

SCHEDULE B

THIS AGREEMENT made (in duplicate) the 8th day of August, A.D. 1962.

BETWEEN:

THE CORPORATION OF THE COUNTY OF MIDDLESEX,
(hereinafter called the County),

OF THE FIRST PART

— and —

THE CORPORATION OF THE CITY OF LONDON,
(hereinafter called the City),

OF THE SECOND PART

— and —

THE LONDON CHAMBER OF COMMERCE,

OF THE THIRD PART.

WHEREAS by Agreement bearing date the 10th day of December, 1898, which is more fully set out as Schedule "A" to the Statutes of Ontario, 62 Victoria (2) 1899, Chapter 56, and which agreement was thereby confirmed and declared to be legal, valid and binding upon the parties thereto, the City and the County agreed:

- (a) as to the use of a fund received from the trustees of The London Savings Bank, which now is in the sum of \$15,600 (and is hereinafter referred to as the Trust Fund); and
- (b) with regard to a fund of \$15,000 paid by the County to provide for certain expenditures in respect of Victoria Hospital, London (hereinafter referred to as the County Fund) and the County's representation upon The Board of Hospital Trustees of the City of London, in whom the care and management of the Hospital was vested;

AND WHEREAS the parties to this agreement are the Trustees of the said Trust Fund;

AND WHEREAS it is expedient, owing to changing conditions, that the said agreement be terminated, and that the Trust Fund and the County Fund be dealt with as herein provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto covenant and agree each with the other as follows:

1. That the said agreement be terminated.
2. That the fund referred to in the said agreement and in the said Statute be disbursed as follows:
 - (a) The Trust Fund and accrued interest thereon is hereby vested in the City to be added to the Victoria Hospital Endowment Fund, and one-half thereof treated as on account of a grant made by the County to Victoria Hospital in the year 1963;
 - (b) The principal of the County Fund shall be repaid to the County.
3. The party of the Third Part approves of the disposition of the Trust Fund and consents to the terms thereof.

4. This agreement shall come into force and take effect on being confirmed by an Act of the Legislature of Ontario, for which the City will apply, and the other parties hereto will support the application for such legislation.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

COUNTY OF MIDDLESEX:

MORLEY HOWE,
Warden.

H. EASTMAN,
Clerk.

CITY OF LONDON:

F. G. STRONACH,
Mayor.

R. H. COOPER,
Clerk.

CHAMBER OF COMMERCE:

R. W. MITCHELL,
President.

H. T. SMITH,
Secretary.

CHAPTER 133

**An Act respecting
The Board of Education for the City of London**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Board of Education for the City of ^{Preamble}
London by its petition has prayed for special legislation
in respect of the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The lands described in the Schedule hereto are hereby ^{Lands}
vested in The Board of Education for the City of London ^{vested in}
in fee simple, clear of and free from all rights, title and interest, ^{Board}
other than those of The Board of Education for the City of
London.

2. The secretary of The Board of Education for the City ^{Registra-}
of London shall register a copy of this Act within sixty days ^{tion}
after it comes into force in the Registry Office for the Registry
Division of the East and North Ridings of the County of
Middlesex.

3. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

4. This Act may be cited as *The London Board of Education* ^{Short title}
Act, 1964.

SCHEDULE

The following lands were formerly in the Townships of Westminster and London and are now in the City of London:

Kensal Park Public School,
328 Springbank Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of Lots Two, Three, Four, Five and Six, Block "Q" according to Registered Plan Number 376 for the Township of Westminster containing about one and three-quarter acres.

Woodland Heights Public School,
474 Springbank Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of Block "A" according to registered Plan 783.

Mountsfield Public School,
Mountsfield Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, containing by admeasurement two and one-half acres be the same more or less, and being composed of Part of Original Farm Lot Number Twenty-seven, Concession One, in the said Township of Westminster, which said parcel may be more particularly described as follows:

Firstly:

Block "A" of Registered Plan No. 568, registered in the Registry Office for the County of Middlesex, at London.

Secondly:

COMMENCING at a point in the said Lot Number Twenty-seven distant north westerly forty feet from the north westerly angle of said Block "A" of registered Plan Number 568 measured along a curved line lying sixty-six feet easterly from and parallel to the north easterly limit of Lot Number Twenty-six of said registered Plan Number 568;

THENCE south easterly along said above described curved line forty feet to the said north westerly angle of said Block "A";

THENCE easterly along the northerly limit of said Block "A", four hundred and nineteen feet, five inches more or less to the north easterly angle of said Block "A";

THENCE easterly parallel to and at a constant perpendicular distance of sixty-six feet from the north westerly limit of Lot Number Forty of said Plan 568 a distance of seventy-three feet, eight inches more or less to a point in the production northerly of the easterly limit of said Lot Forty of said Plan Number 568 and distant sixty-six feet measured northerly thereon from the north easterly angle of said Lot Forty;

THENCE

THENCE northerly parallel to the westerly limit of Ridout Street one hundred and seventy-five feet, three inches more or less to a point in the southerly limit of that part of said Lot Twenty-seven conveyed by registered instrument Number 35470;

THENCE westerly parallel to the Base Line along said southerly limit of said parcel described in said registered instrument 35470 a distance of seventy-five feet;

THENCE south westerly in a straight line four hundred and twenty-nine feet more or less to the place of beginning.

TOGETHER WITH a right-of-way for erection and maintenance of sewer and water mains, gas, electric and telephone lines over, along, upon and under that part of the proposed extension of Mountsfield Drive as shown on Plan Number 568 as covering that part of Lot Twenty-seven immediately to the north of Plan 568 and over, upon and along and under that part of Mountsfield Drive from the north limit of Plan 568, and following said Mountsfield Drive south easterly to immediately in front of the school buildings to be erected upon the southerly part of the herein described premises.

TOGETHER WITH a right-of-way for all persons over, along and upon a strip of land not exceeding twelve feet in width and running across that part of Lot Twenty-seven immediately to the north of Plan 568 from the easterly limit of Wortley Road to the westerly limit of the herein described lands as hereinafter provided.

TOGETHER WITH a right-of-way for all persons and vehicles for all purposes, and for erection and maintenance of electric, gas and telephone lines, over, upon and along the proposed extension of Mountsfield Crescent over that part of Lot Twenty-seven immediately to the north of Plan 568 as shown on said Plan 568;

AND TOGETHER WITH a right to a right-of-way, under certain circumstances as hereinafter referred to, for all persons and vehicles and for all purposes, over that part of Lot Forty and Lot One, Plan 568, as shall constitute, together with that part of Mountsfield Crescent immediately to the north of said Lots Forty and One, a width of sixty-six feet from the westerly limit of Ridout Street to the easterly limit of the herein described lands, as hereinafter provided;

AND TOGETHER WITH a right-of-way for tile and maintenance thereof as hereinafter provided, for removal of surface water from the herein described premises over that part of Lot Twenty-seven immediately to the north of Plan 568, such tile to be laid from the easterly limit of the herein described lands to an existing open ditch to the east of the herein described lands, and should such ditch at any time be removed or obstructed, from the easterly limit of the herein described lands to the westerly limit of Ridout Street, along the proposed extension of Mountsfield Crescent as shown on Plan 568 as covering that part of Lot Twenty-seven immediately to the north of Plan 568.

SUBJECT TO AND TOGETHER WITH all the rights, privileges and conditions expressed in the Offer to Purchase in this matter dated the day of May, 1940, and registered on the 8th day of July, 1940 as Number 39583.

Brick Street Public School,
393 Commissioner's Road,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of those parts of lots numbers thirty-four (34) and thirty-five (35) in the First Concession of the said Township described as follows:

COMMENCING in the original northerly limit of the Commissioner's Road crossing the said lots and in the said limit between the said lots thirty-four (34) and thirty-five (35);

THENCE

THENCE easterly along the said northerly limit of the Commissioner's Road seventy-six (76) feet to a point, said point being intended to be the south-easterly angle of the lands as presently fenced, conveyed to the grantors by registered deed number 19869;

THENCE northerly parallel with the said limit between lots thirty-four (34) and thirty-five (35) two hundred and thirty-four (234') feet to a point, said point being a post at the north-easterly angle of the lands herein as presently fenced;

THENCE westerly along a line drawn at right angles to the said limit between lots thirty-four (34) and thirty-five (35) one hundred and sixty-six feet to a point;

THENCE southerly parallel with the said limit between lots thirty-four (34) and thirty-five (35) two hundred and forty-two (242') feet to the said northerly limit of the Commissioner's Road;

THENCE easterly along the said northerly limit of the Commissioner's Road ninety (90') feet to the place of beginning.

SAVING AND EXCEPTING thereabout and therefrom the southerly ten (10') feet of the said lands heretofore conveyed to the Corporation of the Township of Westminster to widen the said Commissioner's Road.

Byron Northview Public School,
1370 Commissioner's Road,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and containing by admeasurement seven-eighths of an acre, be the same more or less, being composed of part of Lot number Forty-six in the Broken Front Concession of the said Township of Westminster and more particularly described as follows:

COMMENCING in the Southerly limit of the Commissioner's Road, and at the distance of one chain and seventy-five links West of the limit between Lots numbers Forty-five and Forty-six in the Broken Front Concession of the said Township of Westminster; Thence Southerly parallel to the limit between the said Lots numbers Forty-five and Forty-six, six chains and twenty-five links; Thence Easterly parallel with the Commissioner's Road, one chain and seventy-five links, more or less to the limit between the Lots aforesaid; Thence Northerly along said limit five chains; Thence Westerly parallel with the Commissioner's Road fifty links; Thence Northerly parallel to the limit between the Lots aforesaid one chain and twenty-five links more or less to the Commissioner's Road; Thence Westerly along the Southerly limit of said Road one chain and twenty-five links more or less to the place of beginning.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of part of Lot Number Forty-six in the Broken Front Concession of the said Township of Westminster, which said part of said lot may be more particularly described as follows:

COMMENCING at the intersection of the Easterly limit of said lot Forty-six with the southerly limit of the Commissioner's Road; thence North-westerly along the southerly limit of the Commissioner's Road to the Easterly limit of a street known as Stephens Street according to Registered Plan Number 536; thence Southerly along the Easterly limit of Stephens Street, Six hundred and twenty feet ten inches; thence Easterly parallel with the Southerly limit of said lot, Two Hundred and thirty-four feet six inches more or less to the Easterly limit of said lot; thence Northerly along the Easterly limit of said lot to the place of beginning. Excepting that portion thereof heretofore conveyed to the said Grantees. Together with a right-of-way for all lawful purposes in, over and upon Stephens Street on said plan.

Oxford Park Public School,
284 Oxford Street West,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and containing by admeasurement ten acres be the same more or less; being composed of Part Lot No. 5 on the south side of Oxford Street and being part of the north half of Lot No. 18 in the First Concession of the said Township of London.

Pond Mills Public School,
Pond Mills Road,
R.R. No. 7,
London, Ontario.

ALL THAT certain parcel or tract of land and premises being composed of Lot Number Six and Number Seven in the Subdivision of a part of the South Part of Lot Number Seventeen and of Lot Number Eighteen in the First Concession of the Township of Westminster, in the County of Middlesex aforesaid, made for one Thomas Fleming, Each of said Lots Number Six and Number Seven containing by admeasurement half an acre more or less.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of lots numbers ten and eleven according to registered plan No. 80, a subdivision of parts of lots numbers seventeen and eighteen in the Second Concession of the said Township.

Thirdly:

A CERTAIN parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Canada, containing by admeasurement one acre of land be the same more or less, being composed of that part of Lot number Eighteen in the First Concession of Westminster being Village Lots Eight and Nine in the Village of Pond Mill according to a Plan and Survey of parts of said Lot number Eighteen and adjoining Lot number Seventeen registered in the Registry Office of the said County of Middlesex made by Andrew Bay for Thomas Fleming.

Glendale Public School,
R.R. No. 1,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, containing by admeasurement Thirty-one and one half perches more or less and being composed of a part of Lot Number Thirty in the First Concession of the said Township of Westminster and may be better known and described as follows; that is to say:

COMMENCING at the Northern limit of Road allowance between the first and second concessions and at the limit between Lots Twenty-nine and Thirty;

THENCE South Eighty-one degrees to thirty minutes West along the Northern limit of the said road allowance fifty-nine links;

THENCE North Eleven degrees thirty minutes West parallel to the side lines three chains thirty-three and one-third links;

THENCE North Eighty-one degrees thirty minutes East parallel to the concession Road fifty-nine links;

THENCE

THENCE South eleven degrees thirty minutes East along the side line between Lots twenty-nine and thirty, three chains thirty-three and one-third links to the place of beginning.

Manor and Highland Park Public School,
20 Forbes Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of Lot Number 354, Manor Park Subdivision, according to Plan Number 488, for the Township of Westminster, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of Lots Number Three Hundred and Fifty-five (355) and Three Hundred and Fifty-six (356) Manor Park Subdivision, according to Plan Number 488 for the Township of Westminster, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of Lot Number Three Hundred and Fifty-seven (357) Manor Park Subdivision, according to Plan Number 488 for the Township of Westminster, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex.

Fourthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of Lots Number Three Hundred and Twelve and Three Hundred and Fifty-eight (312 and 358) Manor Park Subdivision, according to Plan Number 488 for the Township of Westminster, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex.

Fifthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of Lots Numbers Three Hundred and Seven (307), Three Hundred and Eight (308), Three Hundred and Nine (309), Three Hundred and Ten (310), Three Hundred and Eleven (311), Three Hundred and Sixty-two (362), Three Hundred and Sixty-one (361), Three Hundred and Sixty-three (363), Three Hundred and Sixty (360), and Three Hundred and Fifty-nine (359), Manor Park Subdivision, according to Plan Number 488 for the Township of Westminster, registered in the Registry Office for the Registry Division of the County of Middlesex.

Sixthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of Lot Number Three Hundred and Sixty-four (364) Manor Park Subdivision according to Plan Number 488 for the Township of Westminster, registered in the Registry Office for the Registry Division of the County of Middlesex.

Seventhly:

Seventhly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of Lot Number 365, according to Plan Number 488 for the Township of Westminster, registered at the Registry Office for the Registry Division of the County of Middlesex.

Eighthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, County of Middlesex, and being composed of Lots Numbers Three Hundred and Sixty-six (366) and Three Hundred and Sixty-seven (367) according to Registered Plan Number 488, Manor Park Subdivision in the said Township of Westminster.

Ninthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of Lot Number 368 according to Registered Plan 488.

Masonville Public School,
24 Fanshaw Park Road West,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, being composed of part of the North half of Lot 17, Concession IV of the said Township and which parcel may be more particularly described as follows:

COMMENCING at a point in the southerly limit of the road allowance between Concessions IV and V distant five hundred and eighty-two feet, five and one-half inches ($582' 5\frac{1}{2}"$) westerly from the northeasterly angle of Lot 17;

THENCE southerly and parallel to the Proof Line Road forty feet, nine and one-half inches ($40' 9\frac{1}{2}"$) to a point, which point is the place of beginning;

THENCE southerly and parallel to the said Proof Line Road two hundred and twenty-three feet, two and one-half inches ($223' 2\frac{1}{2}"$);

THENCE easterly and parallel to the southerly limit of the road allowance between Concessions IV and V one hundred and sixty-five feet ($165'$);

THENCE southerly and parallel to the Proof Line Road three hundred and two feet, three inches ($302' 3"$);

THENCE westerly and parallel to the road allowance between Concessions IV and V two hundred and fifteen feet ($215'$);

THENCE northerly and parallel to the Proof Line Road five hundred and twenty-six feet, eight inches ($526' 8"$);

THENCE north 68 degrees 22 minutes east fifty feet ($50'$) more or less to the place of beginning, containing by admeasurement one and three-quarters acres more or less together with the right to use the strip of land contained between the above-described land and the northerly limit of Hillview Boulevard as shown on Registered Plan Number 520 for ingress and egress through, under, over and upon the said strip of land as shown on Plan of Survey prepared by R. W. Code, O.L.S., dated at London, November 26th, 1946. Together with a right-of-way for all lawful purposes in, over and upon that portion of the said lot commencing at a point distant

six hundred and thirty-two feet, five and one-half inches westerly from the easterly limit of said Lot 17, and distant southerly forty feet, nine and one-half inches from the northerly limit of said lot, extending westerly a distance of seven hundred and fifty feet more or less to the easterly limit of Hillside Drive and extending Southerly an even distance of fifteen feet throughout.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of that part of the North half of Lot Number Seventeen (17) in the Fourth Concession of the said Township described as:

COMMENCING at a point in the Southerly limit of the road allowance between the Fourth and Fifth Concessions in the said Township now known as The King's Highway Number 22, as widened by the addition of Seventeen Feet (17') along the South margin thereof under Plan of the Department of Highways registered as Number 130, which point of commencement is at the intersection of a line drawn Northerly from the Northerly limit of Hillview Boulevard as shown on Registered Plan Number 580 parallel with the Westerly limit of the Proof Line Road from a point in the said Northerly limit of Hillview Boulevard distant Six Hundred and Thirty-two feet Five and one-half inches ($632' 5\frac{1}{2}"$) measured Westerly therealong from the Westerly limit of the Proof Line Road (the said line being the Westerly limit of those parts of the said Lot now owned by the Grantees); Thence Southerly along the said line drawn as aforesaid Three Hundred and Ten Feet (310'); Thence Westerly parallel with the Northerly limit of Hillview Boulevard One Hundred Feet (100'); Thence Southerly parallel with the Westerly limit of the Proof Line Road Twenty-five feet (25'); Thence Westerly parallel with the Northerly limit of Hillview Boulevard One Hundred and Fifty-four decimal five Feet (154.5'); Thence Northerly parallel with the Westerly limit of the Proof Line Road Three Hundred and Twenty-one decimal seven Feet (321.7') more or less to the Southerly limit of the King's Highway Number 22 and Thence Easterly along the last mentioned Highway Two Hundred and Fifty-five Feet (255') more or less to the place of beginning.

Hutton Road Public School,
654 Hutton Road,
London, Ontario.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of parts of Lot Number Twenty-one, in the First Concession of the said Township of London, described as follows:

Firstly:

COMMENCING at a point in the Easterly limit of said Lot Number Twenty-one distant Two Hundred and forty-eight feet southerly from the North easterly angle thereof, Thence Westerly parallel with the Northerly limit of the said lot, One hundred and Ninety-eight feet; Thence Northerly parallel with the Easterly limit of the said lot, forty-nine feet, six inches; Thence Easterly parallel with the Northerly limit of the said Lot, One hundred and ninety-eight feet to the Easterly limit of the said Lot, and Thence southerly along the Easterly limit of said Lot, forty-nine feet, six inches to the place of beginning, and

Secondly:

COMMENCING at a point in the Easterly limit of said Lot Number Twenty-one, distant Three hundred and eighty feet southerly from the North easterly angle thereof; Thence Westerly parallel with the Northerly limit of said Lot Number Twenty-one, one hundred and Ninety-eight feet; Thence Southerly parallel with the Easterly limit of said Lot Number Twenty-one, thirty-three feet; Thence Easterly parallel with the Northerly

limit of said Lot Number Twenty-one, One hundred and Ninety-eight feet to the easterly limit of said Lot Number Twenty-one; And Thence Northerly along the Easterly limit of said Lot Number Twenty-one, thirty-three feet, to the place of beginning.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of part of Lot Number Twenty-one in the First Concession of the said Township, north of the Railway, more particularly described as

COMMENCING in the westerly limit of the Road allowance between Lots Numbers Twenty and Twenty-one distant One Hundred and Ninety-eight feet Six inches southerly therealong from the north-east angle of said Lot Number Twenty; Thence South sixty-eight degrees thirty minutes west, One Hundred and Ninety-eight feet; Thence North twenty-one degrees thirty minutes west parallel with the side road, One Hundred and Ninety-eight feet six inches more or less to the northerly limit of the said Lot; Thence Easterly along the northerly limit of said Lot, One Hundred and Ninety-eight feet more or less to the north easterly angle of the said Lot; Thence southerly along the westerly limit of the side road between the said Lots Numbers Twenty-one and Twenty, One Hundred and Ninety-eight feet Six inches more or less to the place of beginning.

Oak Park Public School,
40 Hunt Club Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, being composed of the whole of Block "B" according to registered Plan No. 877;

SUBJECT, HOWEVER, to the easements heretofore granted to the Bell Telephone Company of Canada and the Hydro-Electric Power Commission of Ontario registered as Instruments Nos. 126740, 126741 and 126742; and reserving to Sifton Construction Company Limited its successors and assigns for the benefit of the owners and occupiers from time to time of Block "A" according to said Plan or any part thereof a sewer easement across said Block "B" consisting of a strip of land 25 feet wide leading southerly from Hunt Club Drive and lying immediately to the West and adjacent to the westerly limit of Lot 256 according to said Plan, and continuing Southerly in a straight line to the Southerly limit of said Block "B".

Riverside Public School,
550 Pinetree Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, and being composed of part of the North half of Lot Number Twenty-three (23) in the First Concession of the Township of London, which said part may be more particularly described as follows:

COMMENCING at the South-east angle of the North half of said Lot Number 23, said point also being the North-easterly angle of Plan Number 760 registered in the Registry Office for the East and North Ridings of the County of Middlesex; Thence Westerly along the Northerly limit of said registered Plan Number 760, which is also the Southerly limit of the North half of said Lot Number 23 Three Hundred and Sixty-seven feet (367'); Thence Northerly and parallel to the Easterly limit of said Lot Number 23 Five Hundred and Forty Feet (540'); Thence Easterly and parallel to the Northerly limit of said registered Plan Number 760 Three Hundred and Sixty-seven feet (367') more or less to the Easterly limit of the North half of said Lot Number 23; Thence Southerly along the said Easterly limit Five Hundred and Forty feet (540') more or less to the place of beginning; containing by admeasurement approximately four and one-quarter ($4\frac{1}{4}$) acres.

Secondly:

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, being composed of all Block Number "E" according to registered Plan No. 831.

Westdale Public School,
1050 Plantation Road,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, being composed of part of the North half of the East half of Lot No. 24 in the First Concession in the said Township containing approximately five and one-half acres more or less which may be more particularly described as follows:

COMMENCING at a point in the dividing line between the East and West halves of said Lot No. 24 distant 183 feet northerly from the south-west angle of the north-east quarter of said Lot 24 and which said point forms the north-west angle of Lot No. 13 according to Registered Plan No. 814;

THENCE Easterly along a line forming the northerly limit of said registered Plan No. 814 and which said line lies at right angles to the limit between the east and west halves of Lot 24 a distance of 643 feet to a point;

THENCE northerly in a line parallel to the limit between the east and west halves of said Lot 24, 350 feet to a point;

THENCE Westerly on a line parallel to the northerly limit of said registered Plan 814, 643 feet more or less to the limit between the east and west halves of said Lot 24;

THENCE Southerly along said last mentioned limit, 350 feet more or less to the place of beginning.

Orchard Park Public School,
50 Wychwood Park,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of the whole of Block G according to Registered Plan No. 838.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex,

FIRSTLY: being composed of Part of Block "H", Plan 838 described as follows: Commencing at a point in the Northerly limit of Block "H" distant One Hundred and Fifty feet (150') measured Easterly therealong from the North-west angle thereof; Thence South Twenty degrees Fifty minutes Thirty seconds (20° 50' 30") East, Three hundred and Seventy-three feet (373') more or less to a point in the South Limit of said Block "H"; Thence Easterly along the said South limit of Block "H", Three Hundred and Ninety-seven feet (397') more or less to the South-east angle of said Block "H"; Thence Northerly along the East limit of said Block "H", Three Hundred and Seventy-three feet (373') more or less to the North-east angle of said Block "H"; Thence Westerly along the Northerly limit of said Block "H", Four hundred point Twenty-one feet (400.21') more or less to the place of beginning. SECONDLY: the whole of Lot Number One Hundred and fifty-six (156), according to Registered Plan Number 838.

Thirdly:

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, County of Middlesex and Province of Ontario, and being composed of part of Block "II", Registered Plan No. 838, Township of London, and which said parcel may be more particularly described as follows:

COMMENCING at a point in the Westerly limit of Block "H", distant 5.0 feet Northerly therealong from the Northwest corner of Lot 168, Registered Plan No. 838, Township of London; Thence Northerly along said Westerly limit of said Block "H" on a curve to the left having a radius of 323.75 feet an arc distance of 10.29; Thence South 78 degrees 18 minutes 30 seconds East a distance of 185.58 feet; Thence North 69 degrees 09 minutes 30 seconds East parallel to the Northerly limit of Lot 160, Registered Plan No. 838, a distance of 8.85 feet more or less to a point in the production Southerly of the Easterly limit of Lot 169, Registered Plan No. 838, distant Northerly 10.0 feet therealong from the Northerly limit of Lot 160, Registered Plan No. 838; Thence South 20 degrees 50 minutes 30 seconds East along the said Southerly production of the Easterly limit of said Lot 169, a distance of 10.0 feet to the Northerly limit of Lot 160; Thence South 69 degrees 09 minutes 30 seconds West along the Northerly limit of Lot 160, Registered Plan No. 838, a distance of 11.77 feet to the North easterly corner of Lot 168, Registered Plan No. 838; Thence North 78 degrees 18 minutes 30 seconds West a distance of 186.0 feet more or less to the place of beginning. Said parcel is shown edged in red on a sheetprint of a plan of survey signed by John Gray, O.L.S., dated 13th April, 1960 (Archibald, Gray & McKay, Plan File: K-101).

University Heights Public School,
25-27 Ford Crescent,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of Part of Lot Number Eighteen (18) in the Second Concession, and part of the Gore, South of Park Lot Three (3) West of the Wharnccliffe Highway and South of Huron Street, which said parcel may be more particularly described as follows:—Premising the Easterly limit of Registered Plan Number Seven Hundred and Sixty-six (766) to have an astronomic bearing of North Twenty Degrees, Forty-seven Minutes and Thirty Seconds West and all bearings herein related thereto:

COMMENCING at a point in said Lot Number Eighteen (18) which is distant Twelve Hundred and Ninety-Nine and Eight-Tenths Feet (1299.8') on a bearing S. 20° 59' East from a point in the Northerly limit of said Lot Eighteen, which is distant 132.84 Feet measured Westerly therealong from the North easterly angle of said Lot Eighteen said point of commencement is the South-easterly corner of the land described as Firstly in Registered Instrument Number 47416; Thence South 68° 10' West along the Southerly limit of said lands a distance of 675.28 Feet to the South-westerly corner of said lands being also the South easterly corner of Lot Twenty, Registered Plan Number 766; Thence North, 20° 47' 30" West along the Easterly limit of Registered Plan Number 766, a distance of 280.0 Feet; Thence North, 68° 10' East a distance of 674.45 Feet to the post and wire fence marking the Easterly limit of the lands described as firstly in Registered Instrument Number 47416; Thence South, 20° 59' East along the Easterly limit of said lands, a distance of 225.9 Feet; Thence North 72° 58' East a distance of 134.8 Feet to a point in the Westerly limit of the Wharnccliffe Highway, which point is distant 621.1 Feet, measured Southerly therealong from the North-east angle of the Gore, South of Park Lot Three, West of the Wharnccliffe Highway and South of Huron Street; Thence South 5° 12' East along the Westerly limit of the Wharnccliffe Highway a distance of 71.65 Feet; Thence South, 71° 08' West a distance of 115.3 Feet; Thence North 25° 50' West a distance of 20.0 Feet; Thence North 68° 10' East, a distance of 1.8 Feet more or less to the place of beginning. The parcel of land described herein is the Southerly 280.0 Feet of the lands described as firstly in Registered Instrument

Number 47416 and all of the land described as secondly in Registered Instrument Number 47416 as defined on the ground by post and wire fences. Subject to a right-of-way for all lawful purposes in favour of the Grantor herein, his heirs, executors, administrators and assigns, in, over and upon part of said Lot Number Eighteen, and more particularly described as follows:

COMMENCING at a point in said Lot Number Eighteen, which is distant 1299.8' on a bearing South 20° 59' East from a point in the Northerly limit of said Lot Number Eighteen, which is distant 132.84' measured Westerly therealong from the North-easterly angle of said Lot Number Eighteen, said Point of commencement is the South-easterly corner of the land described as firstly in Registered Instrument Number 47416; Thence South 68° 10' West along the Southerly limit of the said lands, 75 Feet; Thence North, 20° 47' 30" West parallel to the Easterly limit of Registered Plan Number 766, 280 Feet to the Northerly limit of the lands hereinbefore described; Thence North, 68° 10' East, 75 Feet to the North-east angle of the lands hereinbefore described; Thence South, 20° 59' East along the Easterly limit of the lands hereinbefore described, 225.9 Feet; Thence North, 72° 58' East, a distance of 134.8 Feet to a point in the Westerly limit of the Wharnccliffe Highway, which point is distant 62.1 Feet measured Southerly therealong from the North-east angle of the Gore, South of Park Lot Three, West of the Wharnccliffe Highway and South of Huron Street; Thence South 5° 12' East along the Westerly limit of the Wharnccliffe Highway a distance of 71.65 Feet; Thence South 71° 08' West a distance of 115.3'; Thence North 25° 50' West a distance of 20'; Thence North 68° 10' East a distance of 1.8' more or less to the place of beginning. And subject to the right of the Grantor, his heirs, executors, administrators and assigns to construct a drain for a sanitary and/or storm sewer under the lands hereinbefore described as the right-of-way, and running from the lands to the North at present owned by the Grantor to the Wharnccliffe Highway.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of all of Lot Number Nineteen (19), according to Registered Plan Number 766.

Broughdale Public School,
247 Epworth Avenue,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, being composed of part of Lot number One, according to registered Plan Number 250, which may be more particularly described as follows:

COMMENCING at a point in the northerly limit of the said Lot number One, according to said Plan Number 250, and in the southerly limit of Epworth Avenue, distant eight hundred and twenty-four feet five inches easterly along the said limit, from the north westerly angle of the said Lot number One; Thence southerly parallel with the westerly limit of the said Lot and the easterly limit of Richmond Street, two hundred and eight feet seven inches more or less, to the southerly limit of the said Lot number One; Thence easterly along the said southerly limit of the said Lot, One hundred and seventy-seven feet seven inches, more or less to the south easterly angle thereof; Thence northerly along the easterly limit of the said Lot, to the North easterly angle thereof and the southerly limit of Epworth Avenue; Thence westerly along the last mentioned limit, two hundred and thirty-nine feet seven inches, more or less, to the place of beginning; containing by admeasurement One acre, be the same more or less.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Lot Number Fourteen and all of Lot number Thirteen except the westerly Forty Feet thereof on the North side of Epworth Avenue according to Registered Plan 407.

Thirdly:

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Lot Number Fifteen and the Westerly Twenty feet of Lot Number Sixteen on the North side of Epworth Avenue according to Registered Plan Number 407.

Fourthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Lots Numbers Sixteen and Seventeen on the North side of Epworth Avenue in the said Township of London according to Registered Plan Number 407, except the Westerly Twenty Feet of the said Lot Number Sixteen and the Easterly Twenty Feet of the said Lot Number Seventeen.

Fifthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Lot Number Eighteen and the Easterly Twenty Feet of Lot Number Seventeen in the said Township of London according to registered Plan Number 407.

Northdale Public School,
655 Tennent Avenue,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of parts of Lots Numbers 9, 10 and 20 according to Registered Plan Number 325, more particularly described as follows:

COMMENCING at a point in said Lot 10 distant 359.70 feet easterly from the westerly limit of said Lot, measured parallel to the southerly limit of Tennent Avenue as opened by By-law No. 1721, Registered as Instrument No. 57724, of the Township of London, and distant also 177.37 feet southerly from the southerly limit of Tennent Avenue aforesaid, measured parallel to the westerly limit of said Lot No. 10; Thence easterly parallel to the southerly limit of Tennent Avenue aforesaid, 533.53 feet; Thence southerly parallel to the westerly limits of said Lots Numbers 10 and 9, 177.87 feet; Thence westerly parallel to the southerly limit of Tennent Avenue aforesaid, 533.53 feet; Thence northerly parallel to the westerly limits of said lots Numbers 10 and 9, 177.87 feet to the place of beginning.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of part of lots numbered ten, twenty and Twenty-eight according to Registered Plan Number 325 and containing by admeasurement 3.5 acres, be the same more or less, which parcel may be more particularly described as follows:

COMMENCING at a point in said lot number Ten distant 369.70 feet easterly from the easterly limit of Adelaide Street, measured parallel with the centre line of Peters Street according to said Plan 325, and distant also 532.12 feet northerly from the centre line of Peters Street, measured parallel with Adelaide Street; Thence easterly parallel with Peters Street 859.55 feet; Thence southerly parallel with Adelaide Street 177.37 feet; Thence westerly parallel with Peters Street 859.55 feet; Thence northerly parallel with Adelaide Street 177.37 feet to the place of beginning.

Fairmont Public School,
1040 Hamilton Road,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, County of Middlesex and Province of Ontario, and being composed of Block "J" according to plan registered in the Registry Office for the Registry Division of the East and North riding of the County of Middlesex as Number 790, excepting thereof and therefrom that portion of said Block "J" described as follows:

COMMENCING at the north-east angle of Lot Two Hundred and Seventy-six (276) on said plan 790;

THENCE in an easterly direction along the southerly limit of Manitoulin Drive a distance of 60 feet;

THENCE in a southerly direction along a line parallel to and distant 10 feet westerly at right angles from the westerly limit of Lot 277 on said plan 790, to a point of intersection with a line being the straight extension of the line forming the southerly limit of said Lot 276;

THENCE westerly to a point being the south-easterly angle of said Lot 276;

THENCE northerly along the easterly limit of said Lot 276 a distance of 115 feet to the point of commencement. Subject to an easement granted The Bell Telephone Company of Canada Registered as Number 77819 and subject also to an easement granted to The Hydro-Electric Power Commission of Ontario dated the 25th day of October, 1955, by the Grantor herein regarding transmission lines across inter alia said Block "J".

Franklin D. Roosevelt Public School,
560 Second Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of part of Lot Number 58 on the east side of Second Street according to Registered Plan Number 19, more particularly described as follows:

COMMENCING at a point in the northerly limit of said Lot Number 58 distant 59.38 feet easterly along said limit from the north-westerly angle of said lot; Thence South 20 degrees east along the easterly limit of that part of said Lot Number 58 heretofore conveyed to the Hydro-Electric Power Commission of the Province of Ontario, 75.00 feet; Thence easterly and parallel to the northerly limit of said Lot Number 58, 120.0 feet; Thence South 20 degrees East, 61.0 feet; Thence easterly parallel to the northerly limit of said Lot Number 58, 80.0 feet; Thence North 20 degrees West, 136.0 feet to the northerly limit of said Lot Number 58; Thence westerly along the northerly limit of said Lot Number 58, 200.0 feet to the place of beginning.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of Firstly: Lot Number 64 as shown on registered plan number 19 for the said Township of London save and except that portion of the said Lot heretofore conveyed to the Hydro-Electric Power Commission of Ontario as in 26186 and 44782 and Secondly: part of Lot Number 65 as shown on registered plan number 19 for the Township of London which part of said Lot may be more particularly described as follows:

COMMENCING at a point in the Northerly limit of the said Lot distant Westerly from the North east angle thereof 250 feet; Thence Westerly along the northerly limit of the said Lot 373 feet more or less to the North

west angle of the said Lot 65; Thence Southerly along the westerly limit of the said Lot 341 feet more or less to the South West angle thereof; Thence Easterly along the southerly limit of the said Lot 473 feet more or less to a point in the said southerly limit 150 feet westerly from the South east angle thereof; Thence northerly parallel to the easterly limit of the said Lot 155 feet; Thence easterly parallel with the southerly limit of the said Lot 150 feet more or less to the easterly limit of the said Lot; Thence northerly along the easterly limit of the said Lot 66 feet more or less to a point 120 feet southerly from the North East angle thereof; Thence westerly parallel to the northerly limit of the said Lot 150 feet; Thence northerly parallel to the easterly limit of the said Lot 60 feet; Thence westerly parallel to the northerly limit of the said Lot 100 feet; Thence northerly in a straight line to the place of beginning.

Hillcrest Public School,
2131 Fuller Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of parts of Lots 10, 15 and 16, according to Registered Plan No. 77 in the said Township of London, and which said parcel may be more particularly described as follows: Premising the Westerly limit of Lots 10, 15 and 16, according to Registered Plan No. 77 to have an astronomic bearing of N. $19^{\circ} 59' 50''$ West and relating all bearings herein thereto.

COMMENCING at the South-westerly angle of said Lot 10, Registered Plan No. 77 which is also the South-easterly angle of Lot 44, Registered Plan No. 728; Thence North $19^{\circ} 59' 50''$ West along the westerly limit of lots 10, 15 and 16, according to Registered Plan 77 a distance of 684.32 feet to the North-easterly angle of Lot 53, Registered Plan No. 728; Thence North $68^{\circ} 07'$ East parallel with Fuller Street a distance of 487.64 feet; Thence South $19^{\circ} 59' 50''$ East parallel with the Westerly limit of Lots 10, 15 and 16, Registered Plan 77 a distance of 687.72 feet to the Northerly limit of Registered Plan No. 728; Thence South $68^{\circ} 31'$ West along the northerly limit of Registered Plan No. 728 a distance of 487.63 feet more or less to the place of beginning.

Secondly:

That part of Lot Number Sixteen, according to Registered Plan No. 77 in the said Township of London which said part may be more particularly described as follows: Premising the Westerly limit of Lots 10, 15 and 16, according to Registered Plan No. 77 to have an astronomic bearing of North $19^{\circ} 59' 50''$ West and relating all bearings herein thereto.

COMMENCING in the West limit of Lot 16 on a bearing of North $19^{\circ} 59' 50''$ West along the westerly limit of Lots 10, 15 and 16, according to Registered Plan 77 a distance of 684.32 feet to the North-easterly angle of Lot 53, Registered Plan No. 728, being the place of beginning; Thence North $68^{\circ} 07'$ East parallel with Fuller Street a distance of 487.64 feet; Thence North $19^{\circ} 59' 50''$ West parallel with the westerly limit of Lot 16, 33 feet; Thence South $68^{\circ} 07'$ West to the westerly limit of said Lot No. 16, being also the easterly limit of the one-foot reserve situate at the easterly limit of Fuller Street as shown on Registered Plan 728 a distance of 487.64 feet; Thence South $19^{\circ} 59' 50''$ East along the westerly limit of said Lot 16 a distance of 33 feet to the place of beginning.

Huron Heights Public School,
1245 Michael Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Block "C", as shown on Registered Plan 795.

Merwin Heights Public School,
126 McNay Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of the East half of Lot No. 472, according to registered Plan No. 490.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of Lots Numbers 473 and 474 on the East side of McNay Street according to registered Plan 490.

Mildred B. Barons Public School,
444 Kathleen Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Lots Numbers Thirty-three (33) and Thirty-four (34) on the East side of Kathleen Avenue according to Registered Plan Number 480.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Block "A" according to a plan made for the Grantor and registered as Number 480.

Princess Anne Public School,
191 Dawn Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Block A and Block B, according to Registered Plan Number 779, and Block A and Block B, according to Registered Plan Number 787.

Sir Winston Churchill Public School,
1837 Churchill Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of part of Block "A", Registered Plan No. 465 in the said Township of London and which said parcel may be more particularly described as follows:

COMMENCING at the south-westerly angle of said Block A:

THENCE easterly along the southerly limit of said Block A being also the northerly limit of Registered Plan No. 738, a distance of Three Hundred and sixty-four Feet (364.0') to the south-westerly angle of Registered Plan No. 535;

THENCE northerly along the westerly limit of said Registered Plan No. 535, a distance of four hundred and forty-three feet and thirteen-hundredths of a foot (443.13') more or less to a point distant one hundred and thirty feet (130.0') southerly from the north-westerly angle of Lot 15 of said Registered Plan No. 535;

THENCE westerly parallel with the southerly limit of said Block A a distance of three hundred and sixty-four feet (364.0') to the westerly limit of said Block A, being also the easterly limit of Registered Plan No. 477;

THENCE

THENCE southerly along the westerly limit of said Block A, a distance of four hundred and forty-three and thirteen-hundredths feet (443.13') more or less to the place of beginning.

Sir John A. MacDonald Public School,
1150 Landor Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of all of Lots Numbers Thirteen, Fourteen and Fifteen according to the Plan and Survey of Part of the South half of Lot Number Nine in the Second Concession, in the Township of London, made for the London Real Estate Association, which Plan was registered in the Registry Office for the North and East Ridings of the County of Middlesex as Number 369.

EXCEPTING THEREOUT AND THEREFROM the lands conveyed to the Municipal Corporation of the Township of London by Deed dated the Tenth day of June, 1955, described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of Parts of Lots Numbers Thirteen, Fourteen and Fifteen according to the Plan and Survey of Part of the South half of Lot Number Nine in the Second Concession in the said Township of London made for the London Real Estate Association, which Plan was registered in the Registry Office for the North and East Ridings of the County of Middlesex as Number 369, more particularly described as follows:

Firstly:

The North Forty-three feet of said Lots Numbered Thirteen, Fourteen and Fifteen according to said Plan Number 369, and

Secondly:

COMMENCING at the intersection of the Easterly limit of said Lot Number Fifteen, Plan 369 and the Northerly limit of Landor Street as presently existing and laid out on Registered Plan Number 369; Thence North Westerly in a straight line a distance of Three Chains and Eighty Links more or less to a point in the Easterly Limit of Lot Number 560 (according to the Survey of the South half of Lot Number Ten in the Second Concession of the Township of London known as Merwin Heights, a map or plan whereof was registered in the Registry Office for the East and North ridings of the County of Middlesex as Plan Number 490) the said point being distant Sixty-six feet measured Northerly along the Easterly limit of said Lot Number 560 from the South-East angle of said Lot Number 560; Thence Southerly along the said Easterly limit of said Lot Numbered 560 a distance of Forty feet more or less to the intersection of the said Easterly limit of said Lot Number 560 and the Northerly limit of said Landor Street as shown upon said Plan 369; Thence Easterly along the said Northerly limit of Landor Street a distance of Three Chains and Seventy-five links more or less to the place of beginning.

Northbrae Public School,
Belfield Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, County of Middlesex and Province of Ontario, and being composed of part of Lots 5 and 6, West of Belfield Road Registered Plan No. 9 in the said Township of London which said parcel may be more particularly described as follows:

COMMENCING at a point in the Westerly limit of Belfield Road distant four hundred and no tenths (400.0) feet measured North 19 degrees 59 feet West along the Westerly limit of Belfield Road from the south-east

angle

angle of Lot 4 in the said Registered Plan No. 9; Thence North 19 degrees 59 feet west along the westerly limit of Belfield Road a distance of five hundred and seventy-six and four tenths (576.4) feet to a point, said point being one hundred and eighty and no tenths (180.0) feet southerly from the north-east angle of Lot 7 in the said registered Plan No. 9; Thence South 67 degrees 58 feet west parallel with the northerly limit of said Lot 7 a distance of six hundred and thirty-nine and seven tenths (639.7) feet to a one (1) inch square iron bar planted in the westerly limit of Lot 6, said iron bar being one hundred and eighty and no tenths (180.0) feet southerly from the north-west angle of said Lot 7; Thence South 19 degrees 57 feet east along the westerly limits of Lots 6 and 5 a distance of five hundred and seventy-five and eight tenths (575.8) feet to a point, said point being four hundred and no tenths (400.0) feet northerly from the south-west angle of said Lot 4; Thence North 68 degrees 02 feet East parallel with the southerly limit of Lot 4 a distance of six hundred and thirty-nine and nine tenths (639.9) feet more or less to the point of commencement.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of lots Four, Five, Six and Seven West of Belfield Road according to Registered Plan Number Nine in the said Township of London.

SAVE AND EXCEPT thereout and therefrom the northerly one hundred and eighty feet (180.0') of said Lots, the said one hundred and eighty feet being measured Southerly from the Northerly limit of said lot Seven and parallel with the easterly limit of said lots. Containing by measurement fourteen and thirty-three hundredths (14.33) acres, be the same more or less.

Trafalgar Heights Public School,
271 Tremont Street,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, County of Middlesex, and being Lot Number 164, according to registered Plan 862.

Tweedsmuir Public School,
349 Tweedsmuir Avenue,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of Block "N" according to plan registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex as number 790 for the Township of London. Subject to rights-of-way granted The Bell Telephone Company of Canada and The Hydro-Electric Power Commission of Ontario registered respectively as numbers 77819 and 78336.

Southcrest Public School,
1639 Gore Road,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex and Province of Ontario, and being composed of Part of Lot Number 5 in Concession "A" of the said Township of London, which may be more particularly described as follows:

COMMENCING at a point in the Northerly limit of said Lot No. 5, being the Southerly limit of the said road allowance between Concessions "A" and "B" in the said Township, seventy-three feet (73') East of the North-westerly angle of said Lot No. 5; Thence North sixty-eight degrees thirty minutes (68° 30') East along the South side of the said Concession

road,

road, 260 feet to a point where a standard iron bar has been planted; Thence South Twenty-one degrees thirty-five minutes ($21^{\circ} 35'$) East, 165.0 feet to a point where a standard iron bar has been planted; Thence North sixty-eight degrees thirty minutes ($68^{\circ} 30'$) East, 107.46 feet to a point where a standard iron bar has been planted; Thence South twenty-one degrees thirty-five minutes ($21^{\circ} 35'$) East, 135 feet to a point where a standard iron bar has been planted; Thence North sixty-eight degrees thirty minutes ($68^{\circ} 30'$) East 75.0 feet to a point where a standard iron bar has been planted; Thence South twenty-one degrees thirty-five minutes ($21^{\circ} 35'$) East 142.86 feet to a point where a standard iron bar has been planted; Thence South sixty-eight degrees thirty minutes ($68^{\circ} 30'$) West 484.45 feet to a point where a standard iron bar has been planted; Thence North twenty-one degrees twenty-one minutes thirty seconds ($21^{\circ} 21' 30''$) West 372.66 feet to a point; Thence North sixty-eight degrees thirty minutes ($68^{\circ} 30'$) East 40 feet to a point; Thence North twenty-one degrees twenty-one minutes thirty seconds ($21^{\circ} 21' 30''$) West 70.0 feet to a point at the place of beginning where a standard iron bar has been planted, containing by admeasurement four (4) acres more or less, all as shown on a surveyor's sketch prepared by Archibald, Gray and MacKay.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being the South-west one-quarter of the Northerly twenty (20) acres of the West half of Lot Number Five (5) in Concession "A" in the said Township of London; Together with a right-of-way which may be described as being composed of the Westerly two (2) rods of the North-westerly five (5) acres of said Lot Number 5 throughout, and running from the road allowance between Concessions "A" and "B" in the said Township.

Byron Southwood Public School,
1316 Baseline Road,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of the Easterly 264' of Lot No. 12, according to Registered Plan 563, Together with a right-of-way 66' in width to the Grantee, its agents, servants, workmen, successors and assigns, both for the benefit of the lands hereby conveyed and for the benefit of the South-erly 350' 6" of Lot 15, according to Registered Plan No. 563 immediately adjacent to the Easterly boundaries of Lots Nos. 15 and 12 according to Registered Plan No. 563 aforesaid.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of part of Lot Number 45 in Concession 1 in the said Township of Westminster and being also known as part of Lot Number 14 according to Registered Plan Number 563 for the said Township of Westminster and being more particularly described as follows: FIRSTLY: Commencing at the South-east angle of Lot 12 according to Registered Plan Number 563; Thence Westerly along the limit between Lots 12 and 14 according to Registered Plan Number 563, 264 feet to a point; Thence Southerly parallel to the westerly limit of said Lot 14, 180 feet to a point; Thence Easterly parallel to the limit between Lots 12 and 14, 330 feet to a point; Thence Northerly parallel to the Westerly limit of Lot 14, 180 feet to a point; Thence Westerly 66 feet to the south-east corner of the said Lot 12. SECONDLY: Commencing at a point in the Easterly limit of said Lot 15 distant 356 feet Southerly therealong from the Southerly limit of Baseline Road; Thence Southerly along the Easterly limits of Lots 15 and 12, 450 feet 6 inches to the South-east angle of the said Lot 12; Thence Easterly in the production Easterly of the limit between Lots 12 and 14, 66 feet to a point; Thence Northerly parallel to the Easterly limits between Lots 12 and 15, 450 feet 6 inches to a point; Thence westerly parallel to the Baseline Road 66 feet to the place of beginning. Together with a right-of-way over part of the said Lot 45, Concession 1, being more particularly described as follows:

COMMENCING at the North-east angle of the said Lot 15; Thence Southerly along the Easterly limit of Lot 15, 356 feet to a point; Thence Easterly parallel to the Southerly limit of the Baseline Road 66 feet to a point; Thence Northerly parallel to the Easterly limit of said Lot 15, 356 feet to the Southerly limit of the Baseline Road; Thence Westerly along the Southerly limit of the said Baseline Road 66 feet to the place of beginning.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of Part of Lot Number 14 according to Registered Plan Number 563 being part of Lot Number 45 in the First Concession of said Township which parcel may be more particularly described as follows: Premising that all bearings are astronomic and are referred to the bearings shown on Registered Plan No. 830.

COMMENCING where the easterly production of the southerly limit of Lot Number 12 according to Registered Plan Number 563 is intersected by the westerly limit of said Lot Number 14; Thence North 82 degrees 25 minutes 40 seconds east and parallel to the Baseline Road 370.91 feet to the westerly limit of registered Plan Number 658; Thence North 11 degrees 05 minutes 20 seconds west along the westerly limit of Registered Plan Number 658, 389.50 feet; Thence South 82 degrees 25 minutes 40 seconds west and parallel to the Baseline Road 370.99 feet to the westerly limit of said Lot Number 14; Thence South 11 degrees 06 minutes East along the westerly limit of Lot Number 14, 389.50 feet to the place of beginning.

Fourthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of the southerly 350 feet, 6 inches of the westerly one-half of Lot Number 15, according to compiled Plan Number 563, of the Village of Byron, in the Township of Westminster.

Fifthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of the Southerly Three Hundred and Fifty Feet Six Inches (350' 6") of the Easterly one-half of Lot No. 15 according to compiled Plan No. 563 of the Village of Byron, in the Township of Westminster.

Wilton Grove Public School,
R.R. No. 7,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex and Province of Ontario, and being composed of part of the South West quarter of Lot Number Twenty-four in the Second Concession of the said Township of Westminster which may be more particularly described as follows, that is to say:

COMMENCING at a point in the Southerly boundary of said Lot distant Easterly from the South West angle of said Lot Two chains Thirty-five and three-tenths links; Thence Easterly one and one-half chains; Thence Northerly parallel with the westerly boundary of said Lot Two chains, twelve and one half links; Thence Westerly parallel with the Southerly limit of said Lot one and one half chains to the lands heretofore conveyed to the Trustees of said School Section Number Twenty Three; Thence Southerly along the Easterly limit of the said last mentioned lands two chains twelve and one-half links more or less to the place of beginning containing Thirty-Two One Hundredth of an acre be the same more or less.

Secondly:

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, containing by admeasurement one-half of an acre of land more or less and being composed of part of lot number twenty-four in the second concession of the said Township of Westminster which may be more particularly described as follows, namely:

COMMENCING at the South West angle of the said lot; Thence northerly along the Western boundary of said lot two chains and twelve and one-half links; Thence easterly parallel to the second Concession line two chains thirty-five and three-tenths links; Thence Southerly parallel to the westerly boundary of said lot two chains twelve and one-half links more or less to the concession line; Thence Westerly along the concession line two chains, thirty-five and three-tenths links more or less to the place of beginning.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of part of Lot Number Twenty-four, in the Second Concession of the Township of Westminster, in the County of Middlesex, described as follows:

COMMENCING at a point in the southerly limit of said Lot Number 24 situated 357' easterly from the south west angle of said lot; Thence North westerly 608' more or less to a point in the westerly boundary of said Lot Number 24 situated 481' northerly from the southerly limit of said Lot; Thence southerly along the westerly boundary of said Lot 340' 9" more or less to the northerly limit of lands conveyed to School Section Number 23, Westminster; Thence easterly along said northerly boundary of said school lands 254' 3½"; Thence southerly along the easterly limit of school lands 140' 3" to the southerly boundary of said Lot; Thence easterly along southerly boundary of said Lot 104 more or less to the place of beginning.

Fourthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Westminster, in the County of Middlesex, and being composed of part of the South half of the east half of Lot Number Twenty-four in the Second Concession of the said Township of Westminster more particularly described as:

COMMENCING in the southerly limit of the said Lot at the Division line between the East and West halves of the said Lot; Thence easterly along the southerly limit of said Lot Twenty (20) rods; Thence northerly parallel to the Division Line between the east and west halves of the said Lot Forty (40) rods; Thence westerly parallel with the southerly limit of said Lot Twenty (20) rods to the Division line between the east and west halves of said Lot; And thence southerly along such last mentioned Division line Forty (40) rods more or less to the place of beginning.

Vacant Land:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London and being parts of Lots Numbers 1, 10 and 11 according to registered Plan Number 32 more particularly described as follows:

COMMENCING at a point in the Southerly limit of Lot Number 11, Registered Plan Number 32 being also the Northerly limit of Victoria Street where the same would be intersected by the easterly limit of Lot 31, Plan 743 produced Southerly;

THENCE Easterly along the northerly limit of Victoria Street 266 feet to a point;

THENCE northerly in a straight line to a point in the northerly limit of Lot 1 according to Registered Plan Number 32 distant 464 feet measured easterly therealong from the Northwest angle of Lot 1;

THENCE

THENCE westerly along the northerly limit of Lot 1, 464 feet to the North westerly angle thereof;

THENCE southerly along the westerly limit of Lot 1 to the South westerly angle thereof;

AND THENCE Easterly along the Southerly limit of Lot 1 to a point where it would be intersected by the Easterly limit of Registered Plan 743;

THENCE southerly along the easterly limit of Registered Plan 743 and its production southerly to the place of beginning.

Clarke Road Secondary School,
Clarke Sideroad,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, and being composed of part of the North half of Lot 4 in Concession "C" of the said Township, more particularly described as follows:

COMMENCING at the South-west angle of the North half of the said Lot 4;

THENCE northerly along the westerly limit of the said Lot, 660 feet;

THENCE easterly and parallel to the northerly limit of the said Lot, 990 feet;

THENCE southerly and parallel to the westerly limit of the said Lot, 660 feet more or less to the limit between the North and South halves of the said Lot;

THENCE westerly along the said limit between the North and South halves of the said Lot, 990 feet more or less to the place of beginning.

Oakridge Secondary School,
1040 Oxford Street West,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of London, in the County of Middlesex, being composed of the northerly 875 feet of the North half of the East half of Lot 24 in the 1st Concession of said Township, said parcel containing by admeasurement twenty acres more or less.

CHAPTER 134

An Act to incorporate The Masonic Foundation of Ontario

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS the persons named in subsection 1 of section 2 by their petition have represented that it is desirable and in the public interest to create a perpetual body to receive, maintain, manage, control and use donations exclusively for charitable purposes within Ontario; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Foundation;
- (b) "donations" includes any gift, testamentary disposition, deed of trust or other form of contribution to the Foundation;
- (c) "Foundation" means The Masonic Foundation of Ontario;
- (d) "property" includes real and personal property.

2.—(1) John Alfred Irvine, of the City of London in the County of Middlesex, James Noble Allan, of the Town of Dunnville in the County of Haldimand, Richard Coulton Berkinshaw, of the City of Toronto in the County of York, Ewart Gladstone Dixon, of the City of Hamilton in the County of Wentworth, and Norman Warriner Byrne, of the City of Hamilton in the County of Wentworth, and such other persons as hereafter become members of the body corporate hereby created, are hereby constituted a body politic and corporate without share capital as an organization exclusively for charitable purposes under the name of "The Masonic Foundation of Ontario".

Membership (2) The membership of the Foundation shall be composed of those Master Masons who are from time to time members of the Board of General Purposes of Grand Lodge A.F. & A.M. of Canada, in the Province of Ontario, together with those Master Masons who are appointed annually to membership in the Foundation by the Grand Master of such Grand Lodge.

Objects 3. The objects of the Foundation are to receive, maintain, manage, control and use donations exclusively for charitable purposes within Ontario.

By-laws 4. The members of the Foundation may pass by-laws to the extent that might be done by any corporation under R.S.O. 1960, *The Corporations Act*, and, notwithstanding the generality of o. 71 the foregoing, may pass by-laws,

(a) respecting the composition of the Board, the qualifications and appointment of members of the Board, the term of office of such members and the filling of vacancies in the membership of the Board;

(b) fixing the quorum of the Board;

(c) respecting the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;

(d) respecting the admission to and termination of membership in the Foundation;

(e) respecting the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation;

(f) generally regulating and governing the procedures and actions of the Foundation and the conduct and administration of its affairs.

Board of directors 5.—(1) The affairs of the Foundation shall be managed by a board of directors elected from among the members of the Foundation at a regularly convened meeting of the Foundation.

First directors (2) The persons named in subsection 1 of section 2 shall be the first members of the Board and shall hold office until their successors have been elected and have assumed office.

Remuneration of directors (3) The members of the Board shall serve without remuneration but may be reimbursed by the Foundation for reasonable expenses incurred in the performance of their duties as directors.

6. Subject to *The Charitable Gifts Act* and *The Mortmain and Charitable Uses Act*, the Foundation is empowered,

Powers of
Foundation
R.S.O. 1960,
cc. 50, 246

- (a) generally and within the scope of the objects of the Foundation, to receive, own, hold, possess, administer, distribute, sell, hypothecate, mortgage, transfer or otherwise deal with property wherever situate;
- (b) to receive donations or the benefit of donations directly or indirectly by way of gift, testamentary disposition, deed of trust or otherwise, and to use and expend or direct the using and expending of property wherever situate, or the income therefrom;
- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form, and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation, in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer where practicable, as a single fund and in such manner as the Board deems advisable, any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to hold property or any interest therein, acquired by purchase, lease, gift, devise or otherwise, when it is serving or being used in the housing of the Foundation or in any charitable activities of the Foundation;
- (g) to lease any lands at any time held by the Foundation;
- (h) to pay and apply the net income in each year from all funds held directly or indirectly by the Foundation toward such charitable purposes within Ontario as it deems advisable;

(i)

- (i) to pay, apply and distribute such portion as it deems advisable of the capital of the funds, held directly or indirectly by the Foundation, to and for such charitable purposes within Ontario as it deems advisable; provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed on any occasion, without the unanimous consent of all directors, given in person at a meeting of the Board, or, if not present at a meeting, then in writing within the sixty days next after the meeting;
- (j) except as hereinafter provided, to control the management and investment of all its funds; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board; and provided further that the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies, and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;
- (k) to direct and control the management and investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada; provided that the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion deems advisable, notwithstanding that they do not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;

- (l) to employ such person or persons, including trust companies, and to take such other action as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such action to, the income or capital, or both, of the funds of the Foundation as the Board deems advisable;
- (m) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium as a sinking fund to retire or amortize such premium, and to determine in its uncontrolled discretion, in respect of all funds of the Foundation, what shall be treated as income and what shall be treated as capital as to each respective transaction therein, and to charge or apportion any losses or expenses to capital or income as it deems best;
- (n) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by the Foundation, upon such terms and conditions as it deems just, expedient and proper.

7. Sections 58, 69, 70, 72, 73, subsection 1 of section 74, ^{Effect of R.S.O. 1960, c. 71} sections 79 and 80, subsection 1 of section 81, section 82, subsections 1 and 3 of section 83 and section 92 of Part II of *The Corporations Act* only shall be applicable to the Foundation and shall apply *mutatis mutandis* to the Foundation, and in so applying them the word "company" means "Foundation" and the word "shareholder" means "member", and Part III of such Act is not applicable to the Foundation, and nothing in *The Corporations Act* shall be interpreted as broadening the objects or powers of the Foundation.

8.—(1) In exercising the general powers of the Foundation, ^{Power to accept donations with conditions} donations may be accepted either directly or indirectly by the Foundation when the same are subject to conditions as to the income or capital, or both, in whole or in part, being paid to or applied for a specific charitable purpose, with or without condition or direction as to a specific or indefinite period of time.

(2) In the event that such specific charitable purpose ^{Idem} ceases to exist or if the income or capital, or both, of such donations shall be directed to be paid in whole or in part to a specific charitable organization and such charitable organization ceases to exist or is deemed by the Board no longer an

effective

effective medium for the purposes of the donation, the Board shall direct an application to be made to the court for a decision and a direction, and, upon disposition of the matter by the court, such income or capital, or both, shall be used for or applied to such other charitable purposes in Ontario as is directed by a judge of the Supreme Court, in accordance with the laws in force from time to time in Ontario.

Form of
words

9. Any form of words shall be adequate to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute to the Foundation, be the same immediate or in the future.

Audit

R.S.O. 1960,
c. 71, 52

10.—(1) The Foundation shall be subject to the provisions of *The Corporations Act* as to auditors, auditors' reports, and information, as provided in section 7 of this Act, and is subject in all respects to *The Charities Accounting Act*.

Idem

(2) The audit shall include all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation, and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustees shall give an accounting thereof to the auditor of the Foundation in each year.

Limitation
on powers

11. Save as in this Act provided, any power conferred on the Foundation by this Act shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust or gift governing such donation.

Use of
profits

12. The Foundation shall be carried on without the purpose of gain for its members, and any profits or other accretions shall be used in promoting its objects.

Liability
of members

13. A member of the Foundation shall not, as such, be held answerable or responsible for any act, default, obligation or liability of the corporation or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the Foundation.

Membership
non-
transferrable

14. Membership in the Foundation shall carry no equity, right or claim to any of the assets, rights or undertaking of the Foundation, and membership shall not be transferrable or subject to dstraint and shall cease to exist upon death or resignation or expulsion or other termination in accordance with the by-laws of the Foundation.

15. Upon dissolution or winding up of the affairs of the Foundation and after payment of all debts and liabilities, its remaining property or part thereof shall be distributed or disposed of to organizations whose objects are exclusively charitable.

16. This Act comes into force on the day it receives Royal Assent.

17. This Act may be cited as *The Masonic Foundation of Ontario Act, 1964*.

CHAPTER 135

An Act respecting the City of Niagara Falls

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the City of Niagara Falls, Preamble
herein called the Corporation, by its petition has
represented that by *The City of Niagara Falls Act, 1958* it 1958, c. 145
was granted authority to provide pension benefits for its
employees and that by By-law No. 5675 it entered into pension
plans to provide pensions for its employees with The Standard
Life Assurance Company, and that, during the years 1958,
1959, 1960, 1961, 1962 and 1963, the Corporation contributed
the sum of \$276,855.28 to The Standard Life Assurance
Company to provide pensions for its employees, consisting
of \$68,162.46 for past service and \$208,692.82 for current
service, and that the employees of the Corporation also
contributed under such plan the sum of \$244,988.33 for current
service and nothing for past service; and whereas the petitioner
has prayed for special legislation ratifying and approving
the operation of such pension plan and the arrangements
made with The Standard Life Assurance Company for the
years 1958 to 1963, inclusive; and whereas it is expedient to
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. By-law No. 5675 of the Corporation and Schedules "A" By-law and pension plans confirmed
and "B" attached thereto, given two readings on the 15th
day of September, 1958, and passed on the 12th day of Septem-
ber, 1960, set forth as the Schedule hereto, authorizing the
Corporation to enter into pension plans to provide pensions
for its employees with The Standard Life Assurance Company,
shall be deemed to have the approval of the Department of
Municipal Affairs, and the by-law is hereby declared to be a
by-law duly passed by the council of the Corporation and is
confirmed and declared to be legal, valid and binding, and the
operation of the pension plans by the Corporation with The
Standard Life Assurance Company for its employees for the
years 1958 to 1963, inclusive, are ratified and approved.

Moneys
held by
company

2. The moneys paid into The Standard Life Assurance Company by the Corporation and by the employees of the Corporation for each individual shall continue to be held by The Standard Life Assurance Company and shall be used for the purchase of annuities for each individual employee on his retirement or shall be payable to such individual employee or his estate in accordance with the terms of the plan with The Standard Life Assurance Company.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Niagara Falls Act, 1964*.

SCHEDULE

THE CORPORATION OF THE CITY OF NIAGARA FALLS

BY-LAW NO. 5675, 1958

A By-law to provide Pensions for Employees.

WHEREAS by paragraph No. 48 of section 386 of *The Municipal Act* and by Special Act of the Ontario Legislature known as *The City of Niagara Falls Act, 1958*, The Corporation of the City of Niagara Falls is authorized to pass by-laws providing pensions for employees of the Corporation or any Local Board thereof, or any class of employees and their wives and children.

Therefore the Council of The Corporation of the City of Niagara Falls enacts as follows:

1. For the purpose of this by-law,

"Employee" shall mean any salaried officer, clerk, workman, servant or other person in the employ of the municipality and includes any person designated as an employee by the Minister.

"Insurer" shall mean The Standard Life Assurance Company.

2. The Municipality shall in accordance with the provisions of the Plans attached hereto, as Schedules "A", and "B", and forming part of this by-law, by Contract, provide pensions for its employees, other than employees of the Police Department, and the Head of Council and the Clerk are hereby authorized and directed to execute all documents and do all things necessary in connection therewith, and the Clerk is hereby authorized and directed to affix the Seal of the municipality to all such documents.

3. The Council annually shall provide in the current estimates, the sum required to pay for the annuities to be purchased by the municipality under the Plan and for those employees who from time to time become members of the Plan; and shall pay the amount required for past service benefits for such employee members by annual instalments to the Insurer; and shall pay the amount required for future service benefits for such employee members monthly in arrears.

4. The Municipal Treasurer shall record the payments by members of the Plan in a separate account and shall remit same to the Insurer.

- (a) The Municipal Auditor shall audit all transactions in connection with the Pension Plan and shall report annually to the Municipal Council, and his report shall be contained in the annual municipal audit.

5. Every employee who elects to join the Plan shall sign a form of application for membership in the Plan, which shall authorize the municipality, in writing, to deduct from his salary or wages his payments under the Plan.

6. Every employee who applies for membership in the Plan shall be given a copy of this by-law at the time of application.

7. Every person who becomes an employee after the effective date of the Plan, shall be required, as a condition of his employment, to join the Plan as provided therein.

8. Every employee who joins the Plan shall be deemed to have joined it upon the terms and conditions contained in this by-law.

9. It shall be the duty of the Treasurer:

- (a) To keep a list of all member employees under the Plan in which to set out the name and age of each, the time when he entered the service of the municipality, a cumulative record of his service, the amount of his salary or wages from time to time, the name, address, age and relationship of each beneficiary nominated by him under the Plan, his Normal Pension Age, and his earlier retirement age according to the Plan.
- (b) To keep a correct list of all member employees and former member employees who have retired or who have terminated their employment or whose employment has been terminated, and the amount of the annuity to which each became or will become entitled under the Plan.
- (c) To keep such statistical and other records relative to the Plan, as may be required.
- (d) To report to the Council on or before the first day of February in each year,
 - (i) the names of all member employees who have retired from the service of the municipality or have died during the last calendar year;
 - (ii) the salary or wages of each member employee at the time of his retirement or death;
 - (iii) the cause of retirement.
- (e) Generally to do all things necessary in connection with the administration of the Plan.

10. Any member employee who claims to be entitled to be retired before his normal or earlier retirement age on account of disability, shall make his claim to the Treasurer, who shall report thereon to Council.

11. The Municipality shall provide such clerical assistance, stationery, postage, printing, office and filing equipment as may be necessary to enable the Clerk and Treasurer to carry out their duties under this By-law.

12. This by-law shall not be amended so as to adversely affect the benefits or rights of the member employees, or any of them, or be repealed, unless each amendment or repeal shall first have been assented to by a majority vote of all member employees; or shall the said by-law be repealed or amended, without the approval of the Department of Municipal Affairs.

13. By-law No. 4486, passed on the 19th day of December, 1949, to provide pensions for employees of the Fire Department of the municipality is hereby repealed.

READ A FIRST AND SECOND TIME this 15th day of September, A.D. 1958.

READ A THIRD TIME AND FINALLY PASSED, AS AMENDED, this 12th day of September, A.D. 1960.

D. C. PATTEN,
Clerk.

F. J. MILLER,
Mayor.

Schedule "A"

THE CORPORATION OF THE CITY OF NIAGARA FALLS

EMPLOYEES' PENSION AND LIFE ASSURANCE PLAN

Arranged in conjunction with
THE STANDARD LIFE ASSURANCE COMPANY

1. *When does the Plan commence?*

September 1st, 1958.

2. *When am I eligible?*

If you are a permanent, full-time employee, and not an employee of the Police Commission, or of the Fire Department, you are eligible to join the Plan provided that you:

(a) have completed one year of service with the City;

(b) have attained age 21;

(c) have not attained age 65.

Proof of age will be required from members in accordance with the Assurance Company's requirements and from all persons who may be designated as Joint Pensioners.

3. *Must I join the Plan?*

If you are in the service of the City on the Commencement Date, membership is voluntary. However, if you enter the service of the City after that time, you will be required to join the Plan as a condition of employment on the September 1st or March 1st following completion of the eligibility requirements.

4. *How do I join the Plan?*

To join the Plan you must complete an application form which authorizes the required deduction from your pay.

5. *When may I retire?*

You will attain Normal Pension Age on the first day of the month following your 65th birthday.

6. *How much pension will I receive?*

Your pension at Normal Pension Age will be made up as follows:

Future Service

Approximately $1\frac{3}{4}\%$ of annual earnings for each year during which you contribute to the Plan. (See the Table of Benefits on page 11.)

Past Service

\$1.25 per year for each month of service with the City prior to the Commencement Date after deducting the greater of,

(a) the first year of continuous service, or

(b) all service rendered with the City prior to the attainment of age 30.

An example which will assist you in calculating your pension is shown on page 11.

7. *How is my pension payable?*

Your pension at Normal Pension Age is payable by monthly instalments for as long as you may live. However, should you die before receiving instalments for five years, your beneficiary or estate will continue to receive them until a total of five years' payments in all have been made.

8. *May I retire before my Normal Pension Age?*

Yes, provided that you have completed 10 years' service, you may retire with the consent of the City within 10 years of Normal Pension Age on a reduced pension. This Early Retirement Pension will include the full benefit of your own and the City's contributions paid on your behalf prior to the date of retirement. The pension is payable by monthly instalments for life, but as a minimum it will continue until your contributions to the Plan have been returned.

If you have been granted an Early Retirement Pension and are considered to be totally disabled and die before attaining Normal Pension Age, the Additional Death Benefit described in Clause 18 will be payable to your beneficiary or estate.

9. *May I retire after my Normal Pension Age?*

With the consent of the City you may continue in service after Normal Pension Age. Pension payments will be deferred until actual retirement. Contributions will continue and pension benefits will accrue at the normal rates. The pension at retirement will be payable by monthly instalments for a guaranteed period of five years and as long thereafter as you may live.

10. *May I elect to have my pension guaranteed for a longer period?*

You may elect to take on retirement, at or after Normal Pension Age, in lieu of the pension described in Clause 6, a smaller pension payable for as long as you may live, but should you die before receiving instalments for ten years, your beneficiary or estate will continue to receive them until a total of ten years' payments in all have been made.

11. *May I provide a lifetime income for my beneficiary?*

Yes. Under this option you may elect to receive on retirement at or after Normal Pension Age, a smaller pension which will continue in full to your beneficiary as a life income after your death.

You are required to elect this option at or before Normal Pension Age.

If you have elected this option and you or your beneficiary should die before you attain Normal Pension Age or if your beneficiary should die while you are on deferred retirement, the option will be cancelled. However, if you should die while on deferred retirement, your beneficiary will receive the joint life pension which would have been payable had you retired on the date of your death.

12. *Will the Government Old Age Pension affect my pension under the Plan?*

The two are independent, but in order to provide a level amount of pension you may elect to take on retirement at or after Normal Pension Age, an increased pension under the Plan until age 70 and a decreased pension thereafter. The increase in pension before age 70 and the decrease in pension after age 70 will be based on the rate of Government Old Age Pension in force on the date you retire and will

be such that when the Government Old Age Pension is added at age 70 you will receive a level amount of pension for life provided the amount of the Government Old Age Pension does not change after the date when you retire.

The option is only available if the pension payable to you under the terms of the Plan is large enough for such an adjustment to be made and if the increased pension is payable for at least twelve months.

13. *What will the Plan cost me?*

Approximately 5% of your pay. Your actual contributions are shown in Column (4) of the Table on page 11 and will be deducted from your pay.

14. *What does the City contribute?*

The City will contribute the balance of the cost of the Future Service benefits under the Plan, and the entire cost of Past Service benefits under the Plan.

If not previously purchased, the Past Service Pension to which you are entitled will be purchased at your date of early retirement or withdrawal.

15. *May I make additional contributions to increase my pension?*

Yes. You may, on the Commencement Date or on any subsequent 1st September, voluntarily undertake to make regular contributions until Normal Pension Age in addition to the contributions required under Clause 13. Such voluntary contributions may be made by deduction from your pay under either but not both of the following options, and once you have made contributions under Option (i), you may not make contributions under Option (ii).

(i) Voluntary contributions may be made in respect of Past Service, not exceeding 5% of your total earnings during your years of service prior to joining the Plan. Your contribution in respect of Past Service in any calendar year must not exceed \$1,500.

(ii) Voluntary contributions may be made in respect of Future Service provided that your total contributions under Clause 13 and under this Clause do not exceed the lesser of 10% of your annual earnings or \$1,500 in any calendar year.

16. *Are my contributions deductible from my income for tax purposes?*

Yes. Under present Income Tax Regulations, your contributions under Clauses 13 and 15 may be deducted from your taxable income.

17. *May I borrow on my contributions?*

No. As your contributions under the Plan are exempt from income tax, Government regulations will not permit you to borrow on your contributions.

18. *What happens if I die before I retire?*

(a) If you die while in the service of the City, and before Normal Pension Age, all your contributions will be returned with interest, plus—an additional lump sum payment as follows:

*Completed Years of Membership in the Plan	Additional Death Benefit
less than 6 years	\$ 750.00
6 years	900.00
7 years	1,050.00
8 years	1,200.00
etc.	

increasing at the same rate (\$150.00 per year) to the following maximum:

20 years	\$ 3,000.00
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*NOTE: Completed years of membership shall commence with and be computed from the Anniversary Date (September 1st) coincident with or immediately preceding the member's entrance into the Plan.

- (b) If you die while on Deferred Retirement, payment will be made of the value of five years' payments of the pension which would have been payable had you retired on the date of death. If, however, you had elected to receive a joint pension with your beneficiary, the beneficiary will receive the pension which would have been payable had you retired on the date of death.

19. *Who will receive the amount payable in the event of my death?*

You will name a beneficiary to receive the amount payable in the event of your death and will be permitted to change the beneficiary from time to time provided there is no legal restriction.

You (or after your death your spouse or dependant being the nominated beneficiary) may elect that settlement in the event of your death before you retire will be made as follows:

- (a) in a lump sum; or
- (b) a life income with or without a guaranteed period. The guaranteed period shall not exceed ten years; or
- (c) in instalments over a period not exceeding ten years.

Any payments made to your estate or nominated beneficiary who is not your spouse or dependant will be made in a lump sum, unless you elected that option (b) be paid to such beneficiary.

20. *If death occurs after I retire under the Plan at or after normal retirement age, is the pension discontinued?*

The pension under this Plan is guaranteed for five years and as long thereafter as you may live. Therefore, if death occurs before you receive 60 monthly payments the remaining number of payments will be paid to your beneficiary or estate.

If death occurs after receiving 60 or more monthly payments, no further payments will be made. (This assumes that you did not elect an optional form of pension.)

21. *What happens if I leave the service of the City?*

You may:

- (a) take a cash return of all your contributions with interest; or
- (b) take a paid-up pension for the amount secured by all your past contributions.

If you leave after not less than ten years of service with the City, and elect option (b) above, you will receive in the form of a paid-up pension payable from Normal Pension Age, the pension purchased by your Additional Voluntary Contributions, if any, plus the greater of: The pension purchased by your normal contributions, or the percentage shown in the scale below of the pension purchased by your normal contributions and the City's contributions on your behalf, up to the date of termination.

Years of Service	% of Accrued Pension to which member is entitled
10	50%
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20	100%

22. *May I withdraw from the Plan while in the service of the City?*

No. Having once joined the Plan you may not withdraw so long as you are employed by the City.

23. *What happens if I am temporarily absent from work?*

If you are temporarily absent from work but receive full remuneration from the City your contributions will be deducted in the usual way.

If you are temporarily absent from work for at least two weeks and do not receive full remuneration, contributions may be discontinued during periods of absence for complete pay periods. A corresponding reduction will be made in the pension credited.

24. *When do changes in earnings affect my benefits?*

Alteration in benefits and contributions will take effect on the 1st September when your Annual Earnings entail a change in salary grade. Benefits and contributions do not alter during the year.

25. *How are the benefits assured?*

In order to assure the payment of benefits under the Plan, the City of Niagara Falls will apply your and its own contributions under group policies with The Standard Life Assurance Company. You may see the full conditions of the policies at the offices of the City Clerk on application.

If you leave the service of the City before pension payments commence, the City will pay to you the withdrawal benefit to which you are entitled. On your retirement, the Assurance Company will pay the pension to you and in the event of your death the Assurance Company will pay the death benefit to the person or persons legally entitled to receive it.

You will receive a signed Certificate of Membership in the Plan.

26. *May I assign my benefits from this Plan?*

The benefits and options under this Plan, other than as stated in Clause 31, are unassignable whether by voluntary action or by operation of law.

27. *Does participation in the Plan guarantee my employment?*

No. Participation in the Plan shall not be construed as guaranteeing continuation in the service of the City, nor shall any provision or condition thereunder restrict the right of the City to terminate your employment.

28. *Can the Plan be changed or terminated?*

While the City has every hope of maintaining the Plan in force in its present form, the right is reserved to discontinue the Plan after six months' notice, or suspend or amend it from time to time on any anniversary of the Commencement Date, subject to the Department of Municipal Affairs' approval.

(a) *Change of Plan:*

If the Plan is amended the benefits secured by contributions paid prior to the date of amendment will not be adversely affected.

(b) *Discontinuance of Plan:*

If the Plan is discontinued and is not replaced by another plan, you will receive a paid up pension payable from Normal Pension Age based on all contributions made by yourself and by the City. No part of the benefits secured by the group policy shall be retained by the City. Replacement of this Plan by another Plan shall be considered as a "Change of Plan" and the terms of section (a) of this Clause will govern.

29. *What is the minimum amount of pension under this Plan?*

Should the pension payable under any provision of this Plan amount to less than \$60.00 per annum the Assurance Company will require you to take a cash settlement in lieu of pension payments.

30. *What interest do I receive on my contributions?*

The interest payable under the Plan in respect of cash settlement due to you on withdrawal or to your beneficiary on death will be calculated from the end of each year of payment of contributions and will be compounded annually. For contributions made prior to September 1st, 1963, the rate of interest will be 3% per annum.

31. *Transfer of pensions:*

If you leave the service of the City for employment with the Civil Service of Ontario or Canada, or the civic service of any municipality or local board, or the staff of any board, commission or public institution established under any Act of the Legislature, the pension which has accrued to your credit up to the date of leaving will be transferred, upon written request, to your new employer where such fund or plan allows such transfer thereto.

If you join the service of the City on leaving employment with the Civil Service of Ontario or Canada, or the civic service of any municipality or local board of the Province of Ontario, any funds which have accrued under a pension plan with your immediate previous employer may be transferred to this Plan.

TABLE OF BENEFITS AND MEMBER'S CONTRIBUTIONS

Pension and contributions are payable according to the following scale:

Salary

Salary Grade	Annual Earnings		Annual Pension at Normal Pension Age for each complete year for which Contributions are made	Member's Weekly Contri- butions
(1)	(2)		(3)	(4)
	Over	Up to and Including		
1	\$ 0	\$ 1,100	\$ 17.50	\$.97
2	1,100	1,300	21.00	1.16
3	1,300	1,500	24.50	1.36
4	1,500	1,700	28.00	1.55
5	1,700	1,900	31.50	1.75
6	1,900	2,100	35.00	1.94
7	2,100	2,500	40.25	2.23
8	2,500	2,900	47.25	2.62
9	2,900	3,300	54.25	3.00
10	3,300	3,700	61.25	3.39
11	3,700	4,300	70.00	3.88
12	4,300	4,900	80.50	4.46
13	4,900	5,500	91.00	5.04
14	5,500	6,500	105.00	5.82
15	6,500	7,500	122.50	6.78
16	7,500	8,500	140.00	7.75
17	8,500	9,500	157.50	8.72
18	9,500	10,500	175.00	9.69

NOTES: (1) For the purposes of this Plan, "Annual Earnings" means the rates of pay in effect at the date of joining the Plan or at September 1st, as applicable.

(2) For salaries higher than grade 18, the amount of pension and contributions will be quoted on request.

EXAMPLE

Assume you join the Plan at age 45, with 15 years Effective Past Service, in Salary Grade 11 (\$3,700 — \$4,300), and have Future Service as under.

5 years (to age 50) in Grade 11, 5 x \$70.00.....	\$ 350.00
5 years (to age 55) in Grade 12, 5 x \$80.50.....	402.50
10 years (to age 65) in Grade 13, 10 x \$91.00.....	910.00
<hr/>	
You will receive at Normal Pension Age a pension per annum of	\$ 1,662.50
To this add your Past Service — 15 years x \$15...	225.00
Your Total Pension per annum would be.....	<u><u>\$ 1,887.50</u></u>

This pension is payable for five years and during your lifetime thereafter.

Contributions paid by you:

5 years at \$3.88 per week.....	\$ 1,008.80
5 years at \$4.46 per week.....	1,159.60
10 years at \$5.04 per week.....	2,620.80
Your total contributions.....	<u>\$ 4,789.20</u>

The total contributions paid by you would have been \$4,789.20; since the pension is guaranteed for 5 years, the MINIMUM return is 5 x \$1,887.50 or \$9,437.50 — more than 1½ times your total contributions. If you lived 10 years, you would receive 10 x \$1,887.50 or \$18,875.00 — more than 3½ times your total contributions.

EXAMPLE

Assume you join the Plan at age 35 in Salary Grade 9 (\$2,900 — \$3,300) and have no past service, but Future Service as under.

5 years (to age 40) in Grade 9, 5 x \$54.25.....	\$ 271.25
5 years (to age 45) in Grade 10, 5 x \$61.25.....	306.25
5 years (to age 50) in Grade 11, 5 x \$70.00.....	350.00
15 years (to age 65) in Grade 12, 10 x \$80.50.....	<u>1,207.50</u>

You will receive at Normal Pension Age a pension per annum of.....	<u>\$ 2,135.00</u>
--	--------------------

This pension is payable for five years and during your lifetime thereafter.

Contributions paid by you:

5 years at \$3.00 per week.....	\$ 780.00
5 years at \$3.39 per week.....	881.40
5 years at \$3.88 per week.....	1,008.80
15 years at \$4.46 per week.....	<u>3,478.80</u>

Your total contributions.....	<u>\$ 6,149.00</u>
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The total contributions paid by you would have been \$6,149.00; since the pension is guaranteed for 5 years, the MINIMUM return is 5 x \$2,135.00 or \$10,675.00 — more than 1½ times your total contributions. If you lived 10 years, you would receive 10 x \$2,135.00 or \$21,350.00 — more than three times your total contributions.

This Pension and Life Assurance Plan is Underwritten by

THE STANDARD LIFE ASSURANCE COMPANY

WILLIAM M. MERCER LIMITED,
Consulting Actuaries.

Schedule "B"

Schedule "B"

THE CORPORATION OF THE CITY OF NIAGARA FALLS

FIRE DEPARTMENT EMPLOYEES' PENSION
AND LIFE ASSURANCE PLANArranged in conjunction with
THE STANDARD LIFE ASSURANCE COMPANY1. *When does the Plan commence?*

April 1st, 1959.

2. *When am I eligible?*

If you are a permanent, full-time employee of the Fire Department you are eligible to join the Plan provided that you:

- (a) have completed one year of service with the City;
- (b) have attained age 21;
- (c) have not attained age 60.

Proof of age will be required from members in accordance with the Assurance Company's requirements and from all persons who may be designated as Joint Pensioners.

3. *Must I join the Plan?*

If you are a member of the pension plan instituted January 1st, 1950 with the Annuities Branch, Department of Labour, Canada, herein-after called the "1950 Plan" you will be included in this Plan on the Commencement Date. If you are not a member of the "1950 Plan" but entered the service of the Department after January 1st, 1950 you will be required to join the Plan as a condition of employment on the September 1st or March 1st following completion of the eligibility requirements.

4. *How do I join the Plan?*

To join the Plan you must complete an application form which authorizes the required deduction from your pay.

5. *When may I retire?*

You will attain Normal Pension Age on the first day of the month following your 60th birthday.

6. *How much pension will I receive?*

Your pension at Normal Pension Age will be approximately 1½% of annual earnings for each year during which you contribute to the Plan. (See the Table of Benefits on page 19.) In addition you will receive the pension purchased by contributions paid during your membership in the "1950 Plan".

An example which will assist you in calculating your pension is shown on page 19.

7. *How is my pension payable?*

Your pension at Normal Pension Age is payable by monthly instalments for as long as you may live. However, should you die before receiving instalments for five years, your beneficiary or estate will continue to receive them until a total of five years' payments in all have been made.

8. *May I retire before my Normal Pension Age?*

Yes, provided that you have completed 10 years' service, you may retire with the consent of the City within 10 years of Normal Pension Age on a reduced pension. This Early Retirement Pension will include the full benefit of your own and the City's contributions paid on your behalf prior to the date of retirement. The pension is payable by monthly instalments for life, but as a minimum it will continue until your contributions to the Plan have been returned.

If you have been granted an Early Retirement Pension and are considered to be totally disabled and die before attaining Normal Pension Age, the Additional Death Benefit described in Clause 18 will be payable to your beneficiary or estate.

9. *May I retire after my Normal Pension Age?*

With the consent of the City you may continue in service after Normal Pension Age. Pension payments will be deferred until actual retirement. Contributions will continue and pension benefits will accrue at the normal rates. The pension at retirement will be payable by monthly instalments for a guaranteed period of five years and as long thereafter as you may live.

10. *May I elect to have my pension guaranteed for a longer period?*

You may elect to take on retirement, at or after Normal Pension Age, in lieu of the pension described in Clause 6, a smaller pension payable for as long as you may live, but should you die before receiving instalments for ten years, your beneficiary or estate will continue to receive them until a total of ten years' payments in all have been made.

11. *May I provide a lifetime income for my beneficiary?*

Yes. Under this option you may elect to receive on retirement at or after Normal Pension Age, a smaller pension which will continue in full to your beneficiary as a life income after your death.

You are required to elect this option at or before Normal Pension Age.

If you have elected this option and you or your beneficiary should die before you attain Normal Pension Age or if your beneficiary should die while you are on deferred retirement, the option will be cancelled. However, if you should die while on deferred retirement, your beneficiary will receive the joint life pension which would have been payable had you retired on the date of your death.

12. *Will the Government Old Age Pension affect my pension under the Plan?*

The two are independent, but in order to provide a level amount of pension you may elect to take on retirement at or after Normal Pension Age, an increased pension under the Plan until age 70 and a decreased pension thereafter. The increase in pension before age 70 and the decrease in pension after age 70 will be based on the rate of Government Old Age Pension in force on the date you retire and will

be such that when the Government Old Age Pension is added at age 70 you will receive a level amount of pension for life provided the amount of the Government Old Age Pension does not change after the date when you retire.

The option is only available if the pension payable to you under the terms of the Plan is large enough for such an adjustment to be made and if the increased pension is payable for at least twelve months.

13. *What will the Plan cost me?*

Approximately 5% of your pay. Your actual contributions are shown in Column (4) of the Table on page 19 and will be deducted from your pay.

14. *What does the City contribute?*

The City will contribute the balance of the cost of the Future Service benefits under the Plan.

15. *May I make additional contributions to increase my pension?*

Yes. You may, on the Commencement Date or on any subsequent 1st September, voluntarily undertake to make regular contributions until Normal Pension Age in addition to the contributions required under Clause 13. Such voluntary contributions may be made by deduction from your pay under either but not both of the following options, and once you have made contributions under Option (i), you may not make contributions under Option (ii).

(i) Voluntary contributions may be made in respect of Past Service, not exceeding 5% of your total earnings during your years of service prior to joining the Plan. Your contribution in respect of Past Service in any calendar year must not exceed \$1,500.

(ii) Voluntary contributions may be made in respect of Future Service provided that your total contributions under Clause 13 and under this Clause do not exceed the lesser of 10% of your annual earnings or \$1,500 in any calendar year.

16. *Are my contributions deductible from my income for tax purposes?*

Yes. Under present Income Tax Regulations, your contributions under Clauses 13 and 15 may be deducted from your taxable income.

17. *May I borrow on my contributions?*

No. As your contributions under the Plan are exempt from income tax, Government regulations will not permit you to borrow on your contributions.

18. *What happens if I die before I retire?*

(a) If you die while in the service of the City, and before Normal Pension Age, all your contributions will be returned with interest, plus—an additional lump sum payment as follows:

*Completed

*Completed Years of Membership in the Plan	Additional Death Benefit
less than 6 years	\$ 750.00
6 years	900.00
7 years	1,050.00
8 years	1,200.00
etc.	

increasing at the same rate (\$150.00 per year) to the following maximum:

20 years	\$ 3,000.00
----------	-------------

*NOTE: Completed years of membership shall commence with and be computed from the Anniversary Date (September 1st) coincident with or immediately preceding the member's entrance into the Plan.

- (b) If you die while on Deferred Retirement, payment will be made of the value of five years' payments of the pension which would have been payable had you retired on the date of death. If, however, you had elected to receive a joint pension with your beneficiary, the beneficiary will receive the pension which would have been payable had you retired on the date of death.

19. *Who will receive the amount payable in the event of my death?*

You will name a beneficiary to receive the amount payable in the event of your death and will be permitted to change the beneficiary from time to time provided there is no legal restriction.

You (or after your death your spouse or dependant being the nominated beneficiary) may elect that settlement in the event of your death before you retire will be made as follows:

- (a) in a lump sum; or
- (b) a life income with or without a guaranteed period. The guaranteed period shall not exceed ten years; or
- (c) in instalments over a period not exceeding ten years.

Any payments made to your estate or nominated beneficiary who is not your spouse or dependant will be made in a lump sum, unless you elected that option (b) be paid to such beneficiary.

20. *If death occurs after I retire under the Plan at or after normal retirement age, is the pension discontinued?*

The pension under this Plan is guaranteed for five years and as long thereafter as you may live. Therefore, if death occurs before you receive 60 monthly payments the remaining number of payments will be paid to your beneficiary or estate.

If death occurs after receiving 60 or more monthly payments, no further payments will be made. (This assumes that you did not elect an optional form of pension.)

21. *What happens if I leave the service of the City?*

You may:

- (a) take a cash return of all your contributions with interest; or
- (b) take a paid-up pension for the amount secured by all your past contributions.

If you leave after not less than ten years of service with the City, and elect option (b) above, you will receive in the form of a paid-up pension payable from Normal Pension Age, the pension purchased by your Additional Voluntary Contributions, if any, plus the greater of: The pension purchased by your normal contributions, or the percentage shown in the scale below of the pension purchased by your normal contributions and the City's contributions on your behalf, up to the date of termination.

Years of Service	% of Accrued Pension to which member is entitled
10	50%
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20	100%

22. *May I withdraw from the Plan while in the service of the City?*

No. Having once joined the Plan you may not withdraw so long as you are employed by the City.

23. *What happens if I am temporarily absent from work?*

If you are temporarily absent from work but receive full remuneration from the City your contributions will be deducted in the usual way.

If you are temporarily absent from work for at least two weeks and do not receive full remuneration, contributions may be discontinued during periods of absence for complete pay periods. A corresponding reduction will be made in the pension credited.

24. *When do changes in earnings affect my benefits?*

Alteration in benefits and contributions will take effect on the 1st September when your Annual Earnings entail a change in salary grade. Benefits and contributions do not alter during the year.

25. *How are the benefits assured?*

In order to assure the payment of benefits under the Plan, the City of Niagara Falls will apply your and its own contributions under group policies with The Standard Life Assurance Company. You may see the full conditions of the policies at the offices of the City Clerk on application.

If you leave the service of the City before pension payments commence, the City will pay to you the withdrawal benefit to which you are entitled. On your retirement, the Assurance Company will pay the pension to you and in the event of your death the Assurance Company will pay the death benefit to the person or persons legally entitled to receive it.

You will receive a signed Certificate of Membership in the Plan.

26. *May I assign my benefits from this Plan?*

The benefits and options under this Plan, other than as stated in Clause 31, are unassignable whether by voluntary action or by operation of law.

27. *Does participation in the Plan guarantee my employment?*

No. Participation in the Plan shall not be construed as guaranteeing continuation in the service of the City, nor shall any provision or condition thereunder restrict the right of the City to terminate your employment.

28. *Can the Plan be changed or terminated?*

While the City has every hope of maintaining the Plan in force in its present form, the right is reserved to discontinue the Plan after six months' notice, or suspend or amend it from time to time on any anniversary of the Commencement Date, subject to the Department of Municipal Affairs' approval.

(a) *Change of Plan:*

If the Plan is amended the benefits secured by contributions paid prior to the date of amendment will not be adversely affected.

(b) *Discontinuance of Plan:*

If the Plan is discontinued and is not replaced by another plan, you will receive a paid up pension payable from Normal Pension Age based on all contributions made by yourself and by the City. No part of the benefits secured by the group policy shall be retained by the City. Replacement of this Plan by another Plan shall be considered as a "Change of Plan" and the terms of section (a) of this Clause will govern.

29. *What is the minimum amount of pension under this Plan?*

Should the pension payable under any provision of this Plan amount to less than \$60.00 per annum the Assurance Company will require you to take a cash settlement in lieu of pension payments.

30. *What interest do I receive on my contributions?*

The interest payable under the Plan in respect of cash settlement due to you on withdrawal or to your beneficiary on death will be calculated from the end of each year of payment of contributions and will be compounded annually. For contributions made prior to September 1st, 1963, the rate of interest will be 3% per annum.

31. *Transfer of pensions:*

If you leave the service of the City for employment with the Civil Service of Ontario or Canada, or the civic service of any municipality or local board, or the staff of any board, commission or public institution established under any Act of the Legislature, the pension which has accrued to your credit up to the date of leaving will be transferred, upon written request, to your new employer where such fund or plan allows such transfer thereto.

If you join the service of the City on leaving employment with the Civil Service of Ontario or Canada, or the civic service of any municipality or local board of the Province of Ontario, any funds which have accrued under a pension plan with your immediate previous employer may be transferred to this Plan.

TABLE OF BENEFITS AND MEMBER'S CONTRIBUTIONS

Applicable to Plan members who are classified as Firemen.

Pension and contributions are payable according to the following scale:

Salary

Salary Grade	Annual Pay		Annual Pension at Normal Pension Age for each complete year's contribution to the Plan	Member's weekly Contributions
(1)	(2)		(3)	(4)
	Over	Up to and including	1½%	5%
1	\$ 0	\$ 1,100	\$ 15.00	\$.97
2	1,100	1,300	18.00	1.16
3	1,300	1,500	21.00	1.36
4	1,500	1,700	24.00	1.55
5	1,700	1,900	27.00	1.75
6	1,900	2,100	30.00	1.94
7	2,100	2,500	34.50	2.23
8	2,500	2,900	40.50	2.62
9	2,900	3,300	46.50	3.00
10	3,300	3,700	52.50	3.39
11	3,700	4,300	60.00	3.88
12	4,300	4,900	69.00	4.46
13	4,900	5,500	78.00	5.04
14	5,500	6,500	90.00	5.82
15	6,500	7,500	105.00	6.78
16	7,500	8,500	120.00	7.75
17	8,500	9,500	135.00	8.72
18	9,500	10,500	150.00	9.69

NOTES: (1) For the purposes of the Plan, "Annual Earnings" means the rate of pay in effect at the date of joining the Plan or at September 1st, as applicable.

(2) For salaries higher than grade 18, the amount of pension and contributions will be quoted on request.

EXAMPLE

Fire Department Employee

Assume you join the Plan at age 30 in Salary Grade 11 (\$3,700 — \$4,300) and have Future Service as under:

10 years (to age 40) in Grade 11, 10 x \$60.00.....	\$ 600.00
10 years (to age 50) in Grade 12, 10 x \$69.00.....	690.00
10 years (to age 60) in Grade 13, 10 x \$78.00.....	780.00
<hr/>	
You will receive at Normal Pension Age a pension per annum of.....	<u>\$ 2,070.00</u>

This pension is payable for five years certain and during your lifetime thereafter.

Contributions

Contributions paid by you:

10 years at \$3.88 per week..... \$ 2,017.60

10 years at \$4.46 per week..... 2,319.20

10 years at \$5.04 per week..... 2,620.80

Your total contributions..... \$ 6,957.60

The total contributions paid by you would have been \$6,957.60. Since the pension is guaranteed for 5 years, the minimum return is 5 x \$2,070 or \$10,350, which is almost $1\frac{1}{2}$ times your total contributions. If you lived 10 years you would receive 10 x \$2,070 or \$20,700, almost 3 times your total contributions.

CHAPTER 136

An Act respecting the City of Ottawa

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

WHEREAS The Corporation of the City of Ottawa, Preamble
 herein called the Corporation, by its petition has prayed
 for special legislation in respect of the matters hereinafter
 set forth; and whereas it is expedient to grant the prayer of the
 petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1.—(1) Section 11 of *The City of Ottawa Act, 1927* is re-1927, c. 119,
s. 11,
re-enacted
 pealed and the following substituted therefor:

11. Notwithstanding the provisions of section 12 of *The* Administra-
tion of
moneys
subscribed
by friends
of Dr. Henry
P. Wright
by City,
notwith-
standing
1919, c. 122
Ottawa Civic Hospital Act, The Corporation of the City
 of Ottawa is hereby appointed trustee in the place
 and stead of Canada Permanent Trust Company for
 the purpose of administering certain moneys sub-
 scribed by the friends of the late Dr. Henry P.
 Wright, and The Corporation of the City of Ottawa
 is further empowered to hold and invest such moneys
 and to disburse the income therefrom annually
 in payment of scholarships or prizes to be awarded
 to nurses in training at the Ottawa Civic Hospital,
 as a memorial to the late Dr. Henry P. Wright, in
 such form and manner as the trustees of Ottawa
 Civic Hospital may from time to time direct.

(2) Canada Permanent Trust Company is hereby directed Transfer of
moneys
 and empowered to transfer and convey forthwith to the Cor-
 poration all moneys, including both principal and interest,
 now being held by Canada Permanent Trust Company and
 commonly referred to as the Wright Memorial Trust Fund.

2. *The Ottawa City Transportation Act* is amended by 1920, c. 132,
amended
 adding thereto the following section:

5a.—(1) The Commission may enter into an agreement Transporta-
tion
agreements
authorized
 with any person, or with one or more municipalities in

Ontario adjacent to the City of Ottawa, under which the Commission will operate a local transportation service upon such terms as may be agreed upon, but every such agreement shall provide that any deficit in operations shall be paid by the person or municipality or municipalities, and, if the agreement provides that any surplus in operations shall be credited to the municipality or municipalities and if there is more than one municipality, the agreement shall provide the proportion of the deficit which shall be borne by, and the proportion of surplus which shall be received by, each of the municipalities.

Deficit
and surplus

(2) Where an agreement is entered into under subsection 1 with one or more municipalities, the council of any such municipality may pass by-laws,

(a) providing that any deficit charged to the municipality shall be paid out of, and any surplus shall be credited to, the general funds of the municipality; or

(b) providing that any deficit shall be assessed against, and any surplus shall be credited to, the rateable property in any area or areas of the municipality defined in the by-law.

Powers of
Minister of
Transport
R.S.O. 1960,
c. 337

(3) Nothing in this section shall be construed as affecting the powers conferred on the Minister of Transport by *The Public Vehicles Act*.

Agreement
re steam-
heating
system
authorized
R.S.O. 1960,
c. 255

3. Notwithstanding the provisions of *The Municipal Franchises Act*, the council of the Corporation may, with the approval of the Ontario Municipal Board, after a public hearing following publication of the proposed terms of the agreement and without the assent of the electors, enter into an agreement with any person, and grant to such person the exclusive right to install, maintain and operate a steam-heating system for the purpose of supplying steam for heat and air-conditioning in the City of Ottawa within the area bounded on the east by the easterly bank of the Rideau River, on the south by the northerly limit of the Queensway, on the west by the westerly limit of Preston Street and a prolongation thereof to the Ottawa River, and on the north by the Ontario limit of the Ottawa River.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Ottawa Act, 1964*.

CHAPTER 137

An Act respecting Ottawa Community Chests

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS Ottawa Community Chests by its petition ^{Preamble} has represented that it was incorporated as a corporation without share capital under *The Companies Act* by letters ^{R.S.O. 1950, c. 59} patent dated the 29th day of April, 1954; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The name of Ottawa Community Chests is hereby ^{Change of name} changed to Ottawa and District Community Chest.
- 2.** Ottawa and District Community Chest may give notice ^{Notice of meetings} of meetings of its members by publication of notice in such manner as the by-laws of the corporation may provide.
- 3.** This Act comes into force on the day it receives Royal ^{Commencement} Assent.
- 4.** This Act may be cited as *The Ottawa Community Chests* ^{Short title} *Act, 1964.*

CHAPTER 138

An Act respecting the City of Owen Sound

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

WHEREAS The Corporation of the City of Owen Sound ^{Preamble}
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. By-law No. 2664 of The Corporation of the City of <sup>By-law
deemed
approved
under
R.S.O. 1960,
c. 23, s. 56</sup>
Owen Sound, passed by the council of the City of Owen
Sound on the 10th day of June, 1963, extending the time for
the return of the assessment roll of the City of Owen Sound
from the 1st day of October, 1963, to the 30th day of November,
1963, shall be deemed to have been approved by the Depart-
ment of Municipal Affairs on the 1st day of October, 1963,
pursuant to section 56 of *The Assessment Act*.

2. This Act shall be deemed to have come into force on the <sup>Commence-
ment</sup>
1st day of October, 1963.

3. This Act may be cited as *The City of Owen Sound Act*, ^{Short title}
1964.

CHAPTER 139

An Act respecting the City of Peterborough

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the City of Peterborough ^{Preamble} by its petition has represented that on the 4th day of November, 1963, the council of The Corporation of the City of Peterborough gave first and second readings to By-law No. 1963-125, entitled "A By-law to authorize the signing of an Agreement with Border Transit Limited granting to Border Transit Limited the exclusive right to operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from the 1st day of January, 1964 and obligating the Corporation to pay annually to Border Transit Limited such amount of money as may be necessary to provide Border Transit Limited with a profit in the operations of such buses to the extent set out in said Agreement", and that the by-law has been assented to by the municipal electors qualified to vote on money by-laws for the City of Peterborough; and whereas the petitioner has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the City of Peterborough is hereby authorized to give third reading to and finally pass By-law No. 1963-125, as set forth in the Schedule hereto, and to enter into the agreement forming part of the by-law. ^{Bus franchise agreement authorized}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The City of Peterborough Act*, ^{Short title} 1964.

SCHEDULE

BY-LAW NO. 1963-125

A BY-LAW to authorize the signing of an Agreement with Border Transit Limited granting to Border Transit Limited the exclusive right to operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from the 1st day of January, 1964 and obligating the Corporation to pay annually to Border Transit Limited such amount of money as may be necessary to provide Border Transit Limited with a profit in the operations of such buses to the extent set out in said Agreement.

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF ENACTS AS FOLLOWS:

1. That the Agreement between the Corporation of the City of Peterborough and Border Transit Limited set forth in the schedule attached hereto and forming part of this By-law is hereby approved and authorized.

2. That the Mayor and Clerk are hereby authorized and directed to enter into, execute, affix the corporate seal and deliver the said Agreement on behalf of the Corporation of the City of Peterborough.

READ A FIRST AND SECOND TIME this 4th day of November, 1963.

C. W. BOORMAN,
Mayor.

E. A. OUTRAM,
Clerk.

READ A THIRD TIME and finally passed this day of ,
1964.

Mayor.

Clerk.

Schedule

THIS AGREEMENT made in duplicate this 5th day of November, A.D. 1963.

BETWEEN:

THE CORPORATION OF THE CITY OF PETERBOROUGH,
hereinafter called the "Corporation",

OF THE FIRST PART;

— and —

BORDER TRANSIT LIMITED,
hereinafter called the "Company",

OF THE SECOND PART.

WHEREAS the parties hereto entered into an agreement dated the 20th day of April, 1958, which agreement expires on the 31st day of December, 1963.

NOW THEREFORE this agreement witnesseth that in consideration of the premises and other good and valuable consideration the parties hereto hereby agree as follows:

1. In this agreement the words "deficit", "depreciation", "net profit" and "capital assets" are used with reference only to the maintenance and operation of buses by the Company for the conveyance of passengers within the limits of the City of Peterborough in accordance with the terms of this agreement and other operations presently carried on by the Company within the limits of the City of Peterborough, it being understood that the Company is under no obligation to continue such other operations.

2. Subject to the due performance by the Company of its obligations under this agreement the Corporation hereby grants to the Company the exclusive right to maintain and operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from and including the first day of January, 1964 to and including the 31st day of December, 1968. The franchise hereby granted relates only to the picking up, conveyance and discharge of passengers within the limits of the City of Peterborough and does not extend or apply to the operation of buses operating between any point within the City of Peterborough and points outside the City of Peterborough where passengers are not conveyed from one point within the City of Peterborough to another and does not apply to passengers conveyed within the City of Peterborough by taxicab or ambulance.

3. During the period of this agreement the Company shall maintain and operate an adequate number of buses of reasonably modern design and type for the conveyance of passengers within the City of Peterborough on such routes and at such times as the Corporation shall by by-law determine and in the meantime on such routes and at such times are set forth in the schedule forming part of the agreement between the parties dated April 20th, 1958 as last varied by the parties. All buses so used shall be kept at all times in a good and sufficient state of repair, shall be kept clean inside and out, and shall be lighted and heated at such hours and for such periods of the year as may be necessary. The Corporation agrees to consult with the Company with respect to proposed changes in routes and schedules but the decision of the Corporation in this regard shall be final. The Corporation will give the Company reasonable notice of any changes in routes and schedules.

4. During the term of this agreement the Company shall each pay to the Corporation an annual licence fee of \$100.00 in two equal instalments on June 30th and December 31st.

5. The rate of fares for conveyance of passengers shall be:

Adult fare—

15c cash or 4 tickets for 50c or 9 tickets for \$1.00;

Children—

under 53 inches in height—5c cash or 5 tickets for 25c.

Such fares shall not be changed, altered or otherwise varied by the Company without the consent of the Council of the Corporation as expressed by by-law.

6. During each of the years 1964, 1965, 1966, 1967 and 1968 the Corporation will pay to the Company a subsidy in the amount of \$34,000.00 plus fifty per cent of any deficit of the Company in any of such years. The said deficit shall be determined before the inclusion of the aforesaid payment of \$34,000.00 and after making allowance for depreciation in the manner set forth in paragraph 9 hereof and no allowance shall be made to the Company for managerial or executive salaries (including directors and officers fees) in excess of \$12,000.00 per annum without the consent of the Corporation.

7. If the payment by the Corporation to the Company of the subsidy referred to in paragraph 6 hereof shall result in the Company making a net profit in any such year after payment of Federal and Provincial Corporation taxes of less than \$12,900.00, the Corporation shall forthwith pay to the Company an additional amount equal to the difference between such net profit and the sum of \$12,900.00, and if the payment of the said subsidy by the Corporation to the Company shall result in the Company making a net profit in any such year after payment of Federal and Provincial Corporation taxes of more than \$15,050.00, the Company shall forthwith pay to the Corporation an amount equal to the difference between such net profit and the sum of \$15,050.00.

8. In the event that the Corporation is obligated to make a payment to the Company pursuant to paragraph 7 of this agreement, either party shall have the right at any time thereafter to terminate this agreement upon three months' written notice to the other party. In the event this agreement is so terminated on a date other than the 31st day of December in any year, the amount of the subsidy referred to in paragraph 6 hereof for the year in which the termination occurs shall be reduced proportionately and in such event the amount of net profit where referred to in paragraph 7 hereof shall be reduced by the proportion that the period of the year remaining after the date of termination bears to the whole of the year and any amount payable by either the Corporation or the Company thereunder shall be adjusted accordingly.

9. For the purpose of calculating the deficits referred to in paragraph 6 hereof the Company shall be allowed depreciation of \$11,500.00 per annum on its present capital assets and two new buses which the Company has agreed to acquire in the year 1964 at a estimated cost of \$31,500.00 and if the actual cost of the two new buses is less than \$31,500.00 the aforesaid depreciation allowance of \$11,500.00 shall be reduced accordingly. During the term of this agreement if the Company acquires buses or other motor vehicles for use in the City of Peterborough at a capital cost in excess of \$31,500.00, the Company shall be entitled to claim an additional depreciation allowance on that part of the capital cost of the buses or other motor vehicles in excess of \$31,500.00 at the rate of twenty per cent per annum on a diminishing balance basis. During the term of this agreement if the Company acquires additional capital assets other than buses or other motor vehicles the Company shall be entitled to claim depreciation allowance on such additional capital assets at the maximum rates allowed by the Department of National Revenue. In calculating the said deficits no allowance shall be made to the Company for Corporation income tax payable by the Company with respect to the recapture of depreciation. The Company shall not be entitled to purchase capital assets of any kind of a cost in excess of \$1,000.00 without the express consent of the Corporation as expressed by resolution of the Council.

10. The Corporation will pay the Company by monthly payment on the 15th day of each month, one-twelfth of the basic amount set out in paragraph 6 hereof. Any amount payable by the Corporation or the Company, if any, pursuant to paragraph 7 here for operations of the previous year shall be paid to the Company or the Corporation within 30 days after receipt by the Corporation of an audited Profit and Loss Statement relating to the operations of said period. The auditor of the Corporation shall have the right at all reasonable times during the currency of this agreement to examine and verify such of the Company's books of account, vouchers and records as may be necessary to determine the profit or loss of the Company and the amount of subsidy payable hereunder or the amount to which the City is entitled to receive by way of refund.

11. The Company may apply in writing to the Council of the Corporation for a further renewal or extension of the franchise granted and extended hereunder or as amended, and such application shall be filed with the Clerk of the Council of the Corporation on or before the 1st day of June, 1967.

12. The Company shall at all times during the said term indemnify and save harmless the Corporation, should the Corporation be held in any way liable for the operation of the Company's buses, and shall protect itself with an insurance policy or policies against accidents or liability to the public and/or passengers, and for property damage, as required by *The Highway Traffic Act* of the Province of Ontario and Regulations made thereunder, and *The Public Vehicles Act*, and the Company shall produce to the Council at a meeting held not later than the 1st day of March in every year every policy or guaranteed contract so made.

13. The Corporation shall during the said term by by-law provide sufficient bus stops as the Company may require to conduct its business of carrying passengers as may be agreed upon between the parties hereto and shall adequately mark said bus stops.

14. The Corporation shall during said term by by-law regulate traffic in the City of Peterborough to enable the Company to operate its buses efficiently.

15. The Council of the Corporation shall forthwith at its own expense take or cause to be taken all necessary steps to lawfully pass or cause to be passed, a by-law of the Corporation with the assent of the qualified electors, to authorize the Corporation to enter into this agreement, and upon the date when said by-law is finally passed this agreement shall become effective.

16. The Company shall not be liable for damages arising from the cessation or interruption of the bus service herein, caused by fire, flood, act of God, strike, or other circumstance beyond the control of the Company.

17. Upon the expiration of this agreement or upon the termination of this agreement by either party pursuant to paragraph 8 hereof, the Corporation shall for a period of three months thereafter have a sole, irrevocable and exclusive option to purchase all the assets and property of the Company used in connection with its operations in the City of Peterborough at a price to be agreed upon by the parties or upon their failure to agree, at a price to be determined under the provisions of *The Arbitrations Act* of Ontario. It is agreed that in determining the price to be paid to the Company:

- (a) nothing shall be taken into account or allowed for the franchise hereby granted;
- (b) the price of buses and other motor vehicles acquired by the Company after January, 1959 shall be the undepreciated capital cost thereof (which in this agreement means the original capital cost after deduction of accumulated depreciation allowance as calculated in paragraph 9 hereof with respect to the years after 1963 and as calculated in the agreement between the parties dated April 20th, 1958 with respect to the years prior to 1964);

(c)

- (c) the price of all other assets and property of the Company shall be the actual market value thereof at the date of acceptance of the option.

The said option may be accepted by the Corporation giving written notice of such acceptance to the Company delivered by registered mail at its place of business in the City of Peterborough and upon the acceptance of such option all the said assets and property of the Company shall forthwith become the property of the Corporation and the Company agrees to execute all such instruments and assurances as may be necessary to effectively transfer title in the said assets and property to the Corporation. Upon the price being determined as aforesaid it shall immediately become due and payable by the Corporation to the Company together with interest thereon at the rate of six per cent per annum calculated from the date of the acceptance of the option. In the event the Corporation fails to accept the option within the said period of three months, then the Corporation will immediately buy from the Company and the Company will immediately sell to the Corporation all buses and other motor vehicles acquired by the Company after January 1st, 1959 and then being used by the Company in connection with its operations in the City of Peterborough at the undepreciated capital cost thereof.

18. The Company shall not assign this agreement and/or sell its assets and property used in connection with its operations in the City of Peterborough to any person or corporation without the express consent of the Corporation as expressed by by-law of the Council thereof, provided, however, that such consent of the Corporation shall not be unreasonably withheld, and provided also that upon being advised by the Company of its intention to assign this agreement and/or sell its said assets or property the Corporation shall immediately become entitled to a sole, irrevocable and exclusive option for a period of three months thereafter to purchase all the said assets and property of the Company at the price and upon the terms and conditions set forth in paragraph 17 hereof and upon the acceptance of such option by the Corporation the franchise hereby granted shall immediately be terminated.

19. If at any time during or after the said term of the agreement any dispute, difference or question shall arise between the parties hereto, or any of their representatives, touching this agreement, or any part thereof, or the construction, meaning or effect of this agreement or any part thereof, or anything herein contained, or the rights or liabilities of the parties, or their representatives, under this agreement or otherwise, in relation to the premises, and if said matter cannot be settled by the parties hereto by negotiation, then every such dispute, difference or question shall be referred to a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, one to be appointed by each party to the reference, and the third arbitrator to be a Judge of any County of the Province of Ontario and to be appointed by the Parties hereto in writing before they enter upon the business of the reference. If either party shall refuse or neglect to appoint an arbitrator within thirty days after the other party shall have appointed an arbitrator, and shall have served a written notice upon the first-mentioned party requiring such party to make such appointment, then the arbitrator first appointed shall, at the request of the party appointing him, proceed to hear and determine the matter in difference as if he were a single arbitrator appointed by both parties for the purpose, and the award or determination which shall be made by the said arbitrator, shall be final and binding on the parties hereto, their successors, and assigns, and shall not be subject to appeal to any Court or Courts.

20. The Corporation agrees to appoint each year a special Committee for the purpose of assisting the Company in policy matters relating to routes, rates, and other matters relating to the efficient operation of the Company.

21. This agreement shall be binding upon the Parties hereto, their successors and assigns.

IN WITNESS WHEREOF the said parties hereto have hereunto affixed their corporate seals attested by the hands of their proper signing officers in that behalf.

THE CORPORATION OF THE CITY
OF PETERBOROUGH:

Mayor.

Clerk.

BORDER TRANSIT LIMITED:

President.

Secretary.

CHAPTER 140

An Act respecting The Riverdale Hospital

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of The Municipality of ^{Preamble} Metropolitan Toronto, hereinafter called the Metropolitan Corporation, by its petition has represented that, pursuant to *The Municipality of Metropolitan Toronto Act*, ^{R.S.O. 1960, c. 260} it owns and operates a hospital in the City of Toronto, known as The Riverdale Hospital; and whereas the Metropolitan Corporation deems it desirable to create a corporation under the name of "The Board of Governors of The Riverdale Hospital" and vest in it the management, maintenance and operation of The Riverdale Hospital, and lease to it all real property vested in the Metropolitan Corporation and used for the purposes of The Riverdale Hospital, and transfer to it all personal property employed by the Metropolitan Corporation in the operation of The Riverdale Hospital; and whereas the petitioner has prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The management, maintenance and operation of ^{The Board of Governors of The Riverdale Hospital} The Riverdale Hospital, now owned by the Metropolitan Corporation, are hereby vested in a corporation under the name of "The Board of Governors of The Riverdale Hospital", hereinafter called the Board, and by that name the Board has perpetual succession and a corporate seal and may under that name sue and be sued, contract and be contracted with, and acquire and hold personal property or movables.

(2) Notwithstanding clause *h* of section 1 of *The Municipality of Metropolitan Toronto Act*, the Board is not a local ^{Board not a local board} board of the Metropolitan Corporation.

2. The Board shall be composed of thirteen members, ^{Composition of Board} consisting of,

- (a) two members of the medical staff and the President of the Women's Auxiliary, who shall be members during their terms of appointment and office;
- (b) two members, appointed annually by the council of the Metropolitan Corporation, hereinafter called the Metropolitan Council, only one of whom may be a member of the Metropolitan Council;
- (c) except as provided in section 3, eight members elected by the Board, all of whom shall be members for a term of two years and until their successors are elected.

First
members
to be
appointed
by the
Metro-
politan
Council

3. The first eight members to be elected under clause *c* of section 2 shall be appointed by the Metropolitan Council, four members for a term to expire on the 1st day of January, 1966, and four members for a term to expire on the 1st day of January, 1967, and one of such members shall be so appointed on the nomination of the Toronto and District Labour Council.

Filling of
vacancies

4. In the case of a vacancy on the Board by the death or resignation of a member thereof or from any cause other than the expiration of the term for which he was appointed, the body responsible for appointing or electing such member shall, as soon as possible, fill the vacancy by appointing or electing, in the manner provided in section 2, a member who shall hold office for the remainder of the term for which his predecessor was appointed or elected.

Eligibility
for
re-appoint-
ment or
re-election

5. Any member of the Board is eligible for re-appointment or re-election upon the expiration of his term of office.

First
appoint-
ments to
Board

6. The first appointments under clause *b* of section 2 and section 3 of members of the Board shall be made within one month after the day this Act comes into force, and thereafter the appointments to be made by the Metropolitan Council under clause *b* of section 2 shall be made annually at the first regular meeting of the Metropolitan Council in each year or so soon thereafter as possible.

Organiza-
tion
meeting

7. When the first members of the Board have been appointed, the Board shall meet within one month after the last appointment for the purpose of organization, and shall elect from among themselves a chairman and one or more vice-chairmen and the chairman and members of such standing committees as the Board deems necessary, and shall appoint a secretary and a treasurer who shall hold office at the pleasure of the Board or for such period as the Board may prescribe.

8. The Board shall meet at least once every three months. ^{Meetings}

9. In addition to such standing committees as the Board ^{Executive committee} may from time to time establish, the Board may elect from among its members an executive committee, consisting of five members, and may delegate to it such powers of the Board as the Board may by by-law determine from time to time.

10. A majority of the members of the Board or of any ^{Quorum} committee thereof constitutes a quorum, and no business shall be transacted at any special or general meeting of the Board or at any committee thereof unless a quorum is present.

11. The members of the Board shall serve without re- ^{Remuneration}muneration, but each member shall be entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the Board.

12. Subject to *The Public Hospitals Act* and any regulations ^{Powers of Board} made thereunder and to *The Hospital Services Commission Act* ^{R.S.O. 1960, cc. 322, 176} and any regulations made thereunder, the Board is responsible for the management, maintenance and operation of The Riverdale Hospital and, save as hereinafter provided, may exercise all the powers hitherto exercised by the Metropolitan Corporation with respect thereto, and, without limiting the generality of the foregoing, may,

- (a) enact by-laws for the management, operation and maintenance of The Riverdale Hospital;
- (b) appoint and suspend or remove such employees as may be deemed necessary for the management, operation and maintenance of The Riverdale Hospital, and fix their remuneration and prescribe their duties and working conditions;
- (c) provide pensions, establish a plan of sick leave credit gratuities and provide group life insurance for such employees or any class thereof, and provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment therefor, for such employees or any class thereof and their wives or husbands and children, and may contribute toward the cost thereof and toward the cost to such employees of the plan for hospital care insurance provided under *The Hospital Services Commission Act*;
- (d) fix the fees to be charged patients for accommodation in and services rendered by The Riverdale Hospital;

(e)

- (e) plan, contract for and supervise the erection, equipment and furnishing of additional hospital buildings and, with the consent of the Metropolitan Council, the alteration or enlargement of existing hospital buildings to the extent of any funds available from any source for such purposes;
- (f) invest from time to time any surplus funds in any securities authorized by law for the investment of trust funds.

Pensions

13.—(1) Where the Board employs a person theretofore employed by the Metropolitan Corporation or a local board thereof, the employee shall be deemed to remain an employee of the Metropolitan Corporation or local board thereof for the purpose of the pension plan of the Metropolitan Corporation, and shall continue to be entitled to all rights and benefits thereunder as if he had remained an employee of the Metropolitan Corporation or local board thereof until the Board has provided a pension plan for its employees and such employee has elected in writing to participate therein.

Idem

(2) Until such election, the Board shall deduct, by instalments, from the remuneration of the employee the amount that such employee is required to pay in accordance with the provisions of the pension plan of the Metropolitan Corporation, and the Board shall pay to the Metropolitan Corporation, in instalments,

- (a) the amounts so deducted;
- (b) the future service contributions payable under the plan by the Metropolitan Corporation or local board thereof.

**Accrued
benefits in
Metro
plan**

(3) Upon an employee so electing to participate in the pension plan provided by the Board, an amount equal to the then present value of the benefits which had accrued to such employee under the pension plan of the Metropolitan Corporation shall be transferred by the Metropolitan Corporation to the pension plan established by the Board.

**Sick leave
credit**

(4) Where the Board employs a person theretofore employed by the Metropolitan Corporation or a local board thereof, the employee shall be deemed to remain an employee of the Metropolitan Corporation or local board thereof for the purposes of the sick leave credit plan of the Metropolitan Corporation or local board thereof until the Board has established a sick leave credit plan for its employees,

whereupon

whereupon the Board shall place to the credit of the employee the sick leave credits standing to his credit in the sick leave credit plan of the Metropolitan Corporation or local board thereof.

(5) Where the Board employs a person theretofore employed by the Metropolitan Corporation or a local board thereof, the Board shall, during the first year of his employment by the Board, provide for such employee holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the Metropolitan Corporation or local board thereof. ^{Holidays}

14. Subject to *The Public Hospitals Act* and to any regulations made thereunder, the Board may acquire and hold real property by way of deed or lease or otherwise, and, notwithstanding the provisions of section 158 of *The Municipality of Metropolitan Toronto Act*, the Metropolitan Corporation may lease to the Board all real property vested in the Metropolitan Corporation used for the purposes of The Riverdale Hospital, upon such terms and conditions as the Metropolitan Corporation deems advisable and for so long as such property shall be used by the Board for the maintenance and operation of a public hospital. ^{Real property R.S.O. 1960, c. 322 R.S.O. 1960, c. 260}

15. All personal property employed by the Metropolitan Corporation in the operation of The Riverdale Hospital on the day on which this Act comes into force, including furniture, equipment, supplies, accounts receivable and cash on hand, shall be deemed to be vested in the Board, and the Board shall, ^{Personal property}

- (a) assume responsibility for the payment of all liabilities then existing in respect of the management, operation and maintenance of The Riverdale Hospital; and
- (b) be bound by the terms of all contracts then existing made by the Metropolitan Corporation in respect of the management, operation and maintenance of The Riverdale Hospital.

16.—(1) The Metropolitan Corporation shall, on or before the day on which this Act comes into force, provide the Board with working capital to an extent sufficient, as estimated by the Metropolitan Corporation, to cover the operations of the Board for a period of one month. ^{Working capital}

(2) The Metropolitan Corporation shall be responsible for any difference for the year 1963 between the expenditures in respect of The Riverdale Hospital approved by the Hospital ^{Metro-politan Corporation responsible for expenditures}

Services Commission of Ontario and The Riverdale Hospital operating budget for the year 1963, as authorized by the Metropolitan Council.

Board may
recover
charges
R.S.O. 1960,
c. 176

17. The Board is entitled to recover from a patient, other than an insured person under *The Hospital Services Commission Act* or one who is unable by reason of poverty to pay for the same, the charges fixed by the Hospital Services Commission of Ontario for treatment in The Riverdale Hospital.

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Riverdale Hospital Act, 1964*.

CHAPTER 141

**An Act respecting
The Ross Memorial Hospital**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Ross Memorial Hospital, herein called ^{Preamble} the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything in *An Act respecting* ^{Board of} *The Ross Memorial Hospital*, being chapter 132 of the Statutes ^{Governors,} of Ontario, 1903, or in the Schedule thereto, hereinafter ^{composition} called the Act of Incorporation, the Board of Governors of The Ross Memorial Hospital shall be composed of the following persons:

1. The Warden for the time being of the County of Victoria and the Mayor for the time being of the Town of Lindsay, as *ex officio* governors, as provided in clause 4 of the said Schedule.
2. One governor to be appointed by the council of the Town of Lindsay, to hold office during pleasure of the council.
3. One governor to be appointed by the council of the County of Victoria, to hold office during pleasure of the council.
4. The President for the time being of the Women's Auxiliary of the Hospital.
5. Officers of the Medical Staff by virtue of their office, as may be prescribed by the law of the Province of Ontario.

6. Eight governors, to be elected from the members of the Corporation at its annual meeting for two-year terms of office so that such terms of office shall expire in rotation, and one of the governors so elected shall be designated to represent the descendants of the original donor James Ross to perpetuate his memory.

First
election

(2) On the occasion of the first election of the eight governors under paragraph 6 of subsection 1, the four governors receiving the greatest number of votes shall be elected for two years, the four governors receiving the next greatest number of votes shall be elected for one year, and thereafter four governors shall be elected annually for two-year terms.

Annual
meetings

2. Notwithstanding anything in the Act of Incorporation,

- (a) the time of the annual meeting of the Board of Governors and members of the Corporation shall be fixed by the Board of Governors for each and every year;
- (b) seven governors shall be required to constitute a quorum of the Board of Governors;
- (c) the officers of the Board of Governors shall consist of a chairman, a vice-chairman and a treasurer, to be elected at the annual meeting of the Board of Governors, and such other *ex officio* officers as the Board of Governors may from time to time appoint.

Members

3. Notwithstanding anything in the Act of Incorporation, the requirements for becoming a member of the Corporation shall be as follows:

1. A person shall become an associate or member of the corporation for the current fiscal year who pays to the funds of the Corporation such annual membership fee as may be required by the by-laws of the Corporation, and a person shall become an associate or member of the Corporation for his life who pays to the funds of the Corporation a sum of not less than \$100 in any one year.
2. A corporation or other organization which pays to the funds of the Corporation such annual membership fee as may be required by the by-laws of the Corporation shall be entitled to name an associate or member of the Corporation to represent it in the

fiscal

fiscal year in which the fee is paid, and a corporation or other organization which pays to the funds of the Corporation a sum of not less than \$1,000 shall be entitled to name an associate or member of the Corporation each year in perpetuity to represent it.

4. *The Ross Memorial Hospital Act, 1954* is repealed. 1954, c. 124,
repealed

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Ross Memorial Hospital Act, 1964*. Short title

CHAPTER 142

An Act respecting the Town of Smith's Falls

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the Town of Smith's Falls by its petition has represented that, when Hershey Chocolate of Canada Ltd. agreed to locate its plant in the Town of Smith's Falls, it was agreed that the Town would submit to the electors of the Town the question of granting a fixed assessment; and that at that time the Town was authorized to grant a fixed assessment, but since then *The Municipal Act* was amended to remove this authority; and that the question was submitted to the electors of the Town and approved by 84 per cent of the votes cast; and that the Town wishes to honour its commitment; and whereas the petitioner has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition; Preamble
R.S.O. 1960,
c. 249

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Municipal Act* or any general or special Act, The Corporation of the Town of Smith's Falls may pass a by-law granting a fixed assessment of \$645,000 in each of the years 1964 to 1968, inclusive, to Hershey Chocolate of Canada Ltd., a manufacturing corporation with its head office at the Town of Smith's Falls, of the real property described in the Schedule hereto. Fixed
assessment
authorized

2. During the term of the fixed assessment, Hershey Chocolate of Canada Ltd. shall not be assessed for business assessment computed with respect to the real property described in the Schedule hereto. Business
assessment

3. A by-law passed under section 1 does not apply to or affect taxation for school taxes or local improvements. Local
improve-
ments and
school taxes

4. The fixed assessment granted under this Act shall be used to calculate the amount of taxes to be paid in the years 1964 to 1968, inclusive, by Hershey Chocolate of Canada Fixed
assessment
for
municipal
purposes

Ltd.

Ltd. in respect of the real property described in the Schedule hereto for municipal purposes.

Not deemed
bonus

5. The assessment granted by a by-law passed under section 1 shall not be deemed to be a bonus referred to in section 248a of *The Municipal Act*.

R.S.O. 1960,
c. 249

Effective
date of
by-law

6. A by-law passed under section 1 shall be deemed to have come into force on the 1st day of January, 1964.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Town of Smith's Falls Act, 1964*.

SCHEDULE

That certain parcel or tract of land and premises situate, lying and being in the Town of Smith's Falls in the County of Lanark and Province of Ontario and being on parts of Township of Montague lots 29 and 30 in the Third Concession, now within the limits of the Town of Smith's Falls.

CHAPTER 143

An Act respecting
The W. F. Thomas Foundation

Assented to March 25th, 1964
Session Prorogued May 8th, 1964

WHEREAS Albert Henry Aldinger, Dorothy Thomas Aldinger, Anne Aldinger Beals, Edgar Frank Stanley Sanders and Harold Seymour Whiteside by their petition have prayed for special legislation to reactivate The W. F. Thomas Foundation and to continue the undertaking thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the surrender of the charter of The W. F. Thomas Foundation on the 2nd day of July, 1957, The W. F. Thomas Foundation, hereinafter called the Corporation, being a charitable foundation incorporated under *The Companies Act* by letters patent dated the 11th day of February, 1949, is declared to be a subsisting corporation and shall be deemed always to have been a subsisting corporation since its incorporation.

2. On and after the day this Act comes into force,

- (a) Albert Henry Aldinger, investment counsellor, and Dorothy Thomas Aldinger, married woman, both of the City of La Jolla in the County of San Diego and State of California, one of the United States of America; Anne Aldinger Beals, married woman, of the City of La Mirada in the County of Los Angeles and State of California, one of the United States of America; Edgar Frank Stanley Sanders, Queen's Counsel, of the City of St. Thomas in the County of Elgin and Province of Ontario; and Harold Seymour Whiteside, accountant, of the City of London in the County of Middlesex and Province of Ontario, are the members of the Corporation, together with such other persons who hereafter shall be duly elected as members of the Corporation;

(b)

- (b) the first directors of the Corporation are the persons named in clause *a*.

Returns

3. The W. F. Thomas Foundation shall not be required, and shall be deemed never to have been required, to make any returns to the Province of Ontario for the years 1957 to 1963, inclusive.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The W. F. Thomas Foundation Act, 1964*.

CHAPTER 144

An Act respecting the Town of Thorold

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the Town of Thorold ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) A deed of conveyance dated the 1st day of November, 1963, in this section called the conveyance, made between Aloysius T. Clancy, Peter Syrotuik, Warren Bryan, J. Leonard Giroux, and Egidio J. Moccio, in this section called the Trustees, of the first part, and The Corporation of the Town of Thorold, in this section called the Corporation, of the second part, set forth in Schedule A hereto, shall, when delivered, constitute a valid and effectual conveyance of the lands therein described to the Corporation and shall be deemed to have been made in all respects in accordance with the terms of the trust deed dated the 19th day of June, 1911, and registered in the Registry Office for the Registry Division of the County of Welland on the 16th day of August, 1911, as No. 3499 for the Town of Thorold. ^{Deed ratified}

(2) The Trustees, until the delivery of the conveyance, shall be deemed to hold, and they and their predecessors as trustees shall be deemed always to have held, such lands under such trust deed dated the 19th day of June, 1911, as and for a public park within the meaning of *The Mortmain and Charitable Uses Act*. ^{Validation of tenure of Trustees} ^{R.S.O. 1960, c. 246}

(3) Upon the delivery of the conveyance to the Corporation, the trusts set forth in such trust deed dated the 19th day of June, 1911, and the duties of the Trustees in respect thereof, shall be terminated and at an end. ^{Trusts terminated}

(4) The Corporation may validly accept delivery of the conveyance, and, upon such delivery, such lands shall be ^{Vesting in Town of Thorold}

vested

vested in the Corporation as and for a public park within the meaning of *The Mortmain and Charitable Uses Act*.

R.S.O. 1960,
c. 246

Power to
hold and
dispose

(5) The Corporation may validly hold and dispose of such lands, or any part thereof, according and subject to the trusts contained in the conveyance.

Corporation
may manage,
etc.

(6) The Corporation may, in furtherance of the trusts contained in the conveyance, operate, manage, construct, erect, repair and maintain such lands and buildings, pools, fences or other structures erected or to be erected thereon or therein, but, save as herein provided, the Corporation shall, with respect to such matters, be governed by *The Municipal Act*.

R.S.O. 1960,
c. 249

Disposition
of proceeds
of sale,
etc.

(7) The proceeds of any sale, lease or conveyance made by the Corporation in pursuance of the conveyance shall be credited to and form part of the general funds of the Corporation.

Conveyance
amended

(8) Clause 1 of the deed of conveyance set forth in Schedule A hereto is hereby amended to read as follows:

1. Until disposed of by the grantee, with the consent of the chairmen for the time being of The Thorold Public School Board and of The Board of Trustees of the Roman Catholic Separate Schools for the Town of Thorold as provided in clause 2 hereof, the said lands shall be held, maintained and operated as a public playground and place of recreation for the use and benefit of the general public of the Town of Thorold, and in particular of the young people thereof.

Agreements
confirmed

2. The agreements,

- (a) between The Corporation of the Town of Thorold and The Corporation of the Township of Thorold, respectively, bearing dates the 12th day of May, 1949, the 23rd day of April, 1951, the 7th day of March, 1960, and the 16th day of January, 1962; and
- (b) between The Corporation of the Township of Thorold, The Corporation of the Town of Thorold and The Public Utilities Commission of The Corporation of the Town of Thorold, respectively, bearing dates the 27th day of June, 1960, the 8th day of June, 1962, the 1st day of October, 1960, and the 1st day of October, 1960,

set forth in Schedule B hereto, are confirmed and declared to be legal, valid and binding on the parties thereto.

Transfer of
debenture
moneys to
general
funds

3.—(1) The Corporation of the Town of Thorold may transfer to and use as general funds of the municipality the sum of \$2,142.22, being the total of principal and interest of

debentures

debentures and coupons not paid, which debentures were issued under the authority of By-laws Nos. 563, 564, 1918 and 1919 and which moneys have been reserved since 1939 for payment to the holders thereof upon presentation.

(2) Subsection 1 is subject to the obligation of the municipality to pay the holders thereof upon presentation and surrender of such debentures or coupons or any of them. ^{Obligation of municipality}

4.—(1) The agreements between Her Majesty the Queen in right of Canada and The Corporation of the Town of Thorold, The Corporation of the Town of Merritton and The Corporation of the City of St. Catharines, respectively, bearing dates the 16th day of November, 1953, and the 31st day of March, 1959, set forth in Schedule C hereto, are confirmed and declared to be legal, valid and binding on the parties thereto. ^{Agreements confirmed}

(2) Without obtaining the consent of the electors qualified to vote on money by-laws and of the Ontario Municipal Board, The Corporation of the City of St. Catharines and The Corporation of the Town of Thorold may enter into the agreement set forth in Schedule D hereto. ^{Authority to enter into agreement}

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Town of Thorold Act, 1964*. ^{Short title}

SCHEDULE A

THIS INDENTURE made in duplicate the first day of November, in the year of our Lord one thousand nine hundred and sixty-three,

IN PURSUANCE OF *The Short Forms of Conveyances Act*.

BETWEEN:

RT. REVEREND ALOYSIUS T. CLANCY, parish Priest;
PETER SYROTIUK and WARREN BRYAN, representing The
Thorold Public School Board; and J. LEONARD GIROUX
and EGIDIO J. MOCCIO, representing The Board of
Trustees of the Roman Catholic Separate Schools for the
Town of Thorold,
hereinafter called the grantors,

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the grantee,

OF THE SECOND PART,

— and —

LLOYD WALLACE, Chairman of The Thorold Public
School Board, and J. LEONARD GIROUX, Chairman of
The Board of Trustees of the Roman Catholic Separate
Schools for the Town of Thorold,
hereinafter called the parties,

OF THE THIRD PART.

WHEREAS by Trust Deed dated the 19th day of June, 1911, and registered in the Registry Office for the Registry Division of the County of Welland on the 16th day of August, 1911, as No. 3499 for the Town of Thorold, the lands hereinafter described were conveyed by The Reverend Timothy Joseph Sullivan to The Reverend Timothy Joseph Sullivan, L. G. Lorriman and William Burley representing the Public School Board of the Town of Thorold, and John N. F. Hillman and John J. Giroux representing the Separate School Board of the Town of Thorold as trustees, their successors and assigns, to and for the use of the young people of the Town of Thorold as a public playground forever;

AND WHEREAS it was further provided in the said Trust Deed that, upon the death of the said The Reverend Timothy Joseph Sullivan, his position as Trustee should pass to and be held by the parish priest of the Church of the Holy Rosary in the Town of Thorold for the time being and so on in succession;

AND WHEREAS it was further provided in the said Trust Deed that the Public School Board and the Separate School Board of the Town of Thorold should have power by resolution passed from time to time to appoint trustees in succession to the trustees therein named, for the purposes of the trusts therein contained;

AND WHEREAS the grantors herein are the present trustees in succession to the trustees in the aforementioned Trust Deed, and are duly constituted as such in accordance with the Trust Deed;

AND WHEREAS the trustees have determined that, to ensure that the primary purpose of the trusts set forth in the said Trust Deed may be continued and for the better operation and management of the said lands as a public playground, it is expedient that the said lands be conveyed to the grantee upon the trusts hereinafter declared.

WITNESSETH

WITNESSETH that in consideration of the premises and of the sum of ONE DOLLAR (\$1.00) now paid by the said grantee to the said grantors (the receipt whereof is hereby by them acknowledged) they the said grantors Do GRANT AND CONVEY unto the said grantee in fee simple, upon and for the trusts hereinafter declared,

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Thorold, in the County of Welland, and being composed of Lots Nos. 111, 112, 113 and 114 on the west side of Colborne Street; Lots Nos. 121, 122 and 123 on the north side of Elgin Street; Lots Nos. 124, 125 and 126 on the south side of Maitland Street; and Lots Nos. 147, 148, 149 and 150 on the east side of Sydenham Street, all of the said lots being in Block L of the Mittleberger Survey, as now shown on Corporation Plan No. 11 for the Town of Thorold, the said lots comprising the whole of the said Block L.

TO HAVE AND TO HOLD unto the said grantee, its successors and assigns, subject to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown, upon, for and subject to the following trusts, namely:

1. The said lands shall be held, maintained and operated as a public playground and place of recreation for the use and benefit of the general public of the Town of Thorold, and in particular the young people thereof.

2. The said lands or any part thereof shall not be leased, sold, conveyed or otherwise disposed of without the consent of the chairmen for the time being in office of The Thorold Public School Board and The Board of Trustees of the Roman Catholic Separate Schools for the Town of Thorold, and such consent shall be evidenced by the signatures of the respective chairmen affixed to every lease, deed, conveyance, or other instrument, whereby the said lands or any part thereof are leased, sold, conveyed, or otherwise disposed of.

3. The said lands, until sold or otherwise disposed of, shall be known as Sullivan Park.

IT IS HEREBY DECLARED AND AGREED that the parties of the third part and their respective successors in office as Chairmen of The Thorold Public School Board and the Board of Trustees of the Roman Catholic Separate Schools for the Town of Thorold, or either of them, shall have full power and authority to enforce the trusts herein declared as against the grantee, on behalf of all other persons who benefit or might benefit from the said trusts.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals, and The Corporation of the Town of Thorold, as grantee, has hereunto affixed its corporate seal by the hands of its proper officers.

[Execution and Affidavits as required by law]

SCHEDULE B

THIS AGREEMENT made in duplicate this 12th day of May, A.D. 1949.

BETWEEN:

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the party,

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the party,

OF THE SECOND PART.

WHEREAS the parties hereto have agreed that a street light at the intersection of Highway No. 58 and the Beaverdams Road in the Town of Thorold would be of mutual benefit to both parties.

AND WHEREAS it has been agreed that the said light shall be installed by the party of the first part upon the terms hereinafter set forth.

NOW THIS AGREEMENT WITNESSETH that the parties hereto in consideration of the premises covenant and agree as follows:

1. The party of the first part shall forthwith instal at the intersection of Highway No. 58 and the Beaverdams Road at a point to be mutually agreed upon between the parties hose, wiring and equipment necessary to furnish a 200 watt light for street lighting purposes and shall service the same as required from time to time.

2. Forthwith upon the installation of the said street light, the party of the second part agrees that it will be responsible for the annual cost for power and service at the rate prevailing for street lighting from time to time and which rate is at present \$12 per annum and that the party of the second part will pay such costs to the party of the first part annually upon demand.

This agreement and everything herein contained shall enure to the benefit of and bind the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals by the hands of their proper officers in that behalf.

[Executed by the Parties to the Agreement]

THIS AGREEMENT made this 23rd day of April, A.D. 1951.

BETWEEN:

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the Town,

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the Township,

OF THE SECOND PART.

WHEREAS there is established on Plan No. 26 of the Township of Thorold a system of sewers which drains into the system of sewers established by the Corporation of the Town of Thorold.

AND WHEREAS there is in the said area so drained by the Township a school and a company known as the Exolon Company.

AND WHEREAS the parties have agreed that some equitable basis should be found for compensating the Town for the service given as aforesaid to the Township.

NOW THEREFORE THIS AGREEMENT WITNESSETH and the parties hereto covenant and agree as follows:

1. The term of this agreement shall be from the 1st day of January, 1951, to the 31st day of December, 1951, inclusive, but thereafter the agreement shall continue from year to year until terminated under the provisions set forth in Paragraph 4 hereof.

2. The Township shall pay annually to the Town an amount made up of the total value of all house, plant or school connections more particularly set forth in Paragraph 3 hereof, such amount to be compensation to the Town for permitting its system of sewers to be the outlet for the system of sewers in the said area; such payment shall be made before the last day of each year.

3. The said compensation shall be at the rate of \$5 for every house which connects into the said system of sewers in the Township, \$75 for the Exolon Company's plant and \$20 for the school.

4. This agreement may be terminated by either party giving to the other party written notice of its intention to so terminate. Such notice shall be given on or prior to the 30th day of November in any year in which such termination is to become effective. Notice of termination may be served by leaving the notice with the Clerk of the Corporation upon which the same is to be served or by mailing the notice by prepaid registered mail to such Clerk on or before the 30th day of November in the year of termination. Upon giving notice of termination as aforesaid this agreement shall then cease and become of no further force or effect at the end of the 31st day of December of the year in which notice is so given.

5. Nothing in this agreement shall be interpreted as an obligation on the part of the Town to permit the Township of Thorold to empty the said system of sewers into the Municipal Sewer system of the Corporation of the Town of Thorold.

IN WITNESS WHEREOF the said parties hereto have hereunto affixed their corporate seals by the hands of their proper officers in that behalf.

[Executed by the Parties to the Agreement]

THIS AGREEMENT made this 7th day of March, A.D. 1960.

BETWEEN:

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the party,

OF THE FIRST PART.

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the party,

OF THE SECOND PART.

WHEREAS Richmond Street, Beaverdams Road, Sullivan Avenue, Collier Road, Queen Street and Davis Road are boundary roads between the parties hereto and by virtue of Section 433 of *The Municipal Act*, the Councils of the two corporations have joint jurisdiction over the same.

AND WHEREAS the parties deem it advisable to enter into an agreement pursuant to Section 437 (1) of *The Municipal Act* for the maintenance and repair of the said boundary lines.

AND WHEREAS by Section 386 (4) of *The Municipal Act*, it is provided that councils may enter into an agreement for the use of sewers and for making all necessary connections in or adjacent to the municipality for drainage purposes and for providing for the payment by one municipality to the other.

AND WHEREAS by Section 61 of *The Local Improvement Act* provision is made for the municipalities to agree as to the construction of local improvement works where a highway forms the boundary between two or more municipalities and Collier Road being such a boundary, it is advisable that the construction of a pavement thereon be provided for.

NOW THIS AGREEMENT WITNESSETH that the parties hereto covenant and agree each with the other as follows:

I. ALL BOUNDARY ROADS

1. This part shall apply to all boundary roads between the Town and the Township, including those boundary roads more particularly referred to hereinafter.

2. The Town shall erect, at its own expense, traffic signs on its own streets at their intersection with boundary roads where such boundary roads have been designated as through streets. The Township will consult with the Town prior to passing a by-law designating any boundary roads as through streets.

3. The Township shall erect, at its own expense, traffic signs on its own roads and streets at their intersection with boundary roads where such boundary roads have been designated as through streets.

4. The Town shall erect all traffic signs on all boundary roads with the assent of the Township and the cost thereof shall be borne as a road maintenance cost. Each party shall pass all necessary by-laws and obtain the approval of the Department of Highways as required by *The Highway Traffic Act*. It is understood that the speeds provided on boundary roads shall not exceed 30 miles an hour, subject to such lesser speeds as may be required in situations calling for reduced speeds, all of which shall be governed by by-laws approved by the Department of Highways.

5. All matters respecting the administration of justice and the enforcement of law and order on boundary lines shall be undertaken by either party in accordance with the exigency of the occasion and the dictates of common sense. Where cost to either party results, including an administration of justice expense, such cost shall be shared by the parties equally.

This

This section shall particularly apply as to accidents on boundary roads where immediate action is required by the police first at the scene of the accident, but shall not apply to the cost of routine police law enforcement.

6. All cost of maintenance and repair of boundary roads, except those costs hereinafter particularly referred to and to be financed under *The Local Improvement Act*, shall be borne by the parties equally. No cost exceeding \$500.00 shall be incurred by one municipality for any one work of maintenance or repair without the concurrence of the other party.

7 An annual account shall be rendered by each party to the other party, on or before the 15th day of February of each year, commencing in 1961, of all costs incurred for maintenance and repair of roads, for the administration of justice and the enforcement of law and order on boundary roads, for snow ploughing and any other matters pertaining to the cost of maintenance, repair and operation of boundary roads during the preceding calendar year. Such accounts being submitted, one municipality shall pay to the other municipality such difference as may make the annual costs equal for each party. The said payment shall be made not later than the first day of May in each year.

8. All of the aforesaid provisos and agreements are subject to the provisions of *The Highway Traffic Act* or other Acts governing highways and to any by-law of the County in respect to such roads.

II. MAINTENANCE OF BOUNDARY ROADS

1. *Richmond Street*

The Township agrees to carry out at its own expense all surface drainage works on Richmond Street, from Collier Road to the west limit of the Town produced southerly, prior to the surfacing of the road on Richmond Street from the last-mentioned limit to Queen Street.

Snow ploughing, street cleaning and sanding, maintenance and repairs and cleaning of catch basins, on Richmond Street, from the westerly limit of the Town to Queen Street, shall be carried out by the Township.

2. *Sullivan Avenue*

Street cleaning, maintenance and repairs, snow ploughing and sanding and cleaning of catch basins, shall be done and carried out by the Town.

3. *Davis Road*

Maintenance and repairs, snow ploughing and sanding shall be done and carried out by the Township.

4. *Queen Street*

Maintenance and repairs, snow ploughing and sanding shall be done and carried out by the Township.

5. *Collier Road from Sullivan Avenue Northerly*

Repairs and maintenance, street cleaning, sanding, snow ploughing, shall be done and carried out by the Town. Under exceptional circumstances the Township will assist in snow ploughing.

III. GENERAL

1. This agreement shall come into effect on the first day of September, 1960, and shall be binding on the parties hereto for a period of ten years and until revoked.

2. The Clerk of the Town is instructed to register the by-law confirming this agreement when passed by both the Town and the Township.

3. During the currency of this agreement each Council shall have jurisdiction over that boundary road or portion thereof which it has undertaken to maintain and shall be liable for the damages incurred by reason of neglect to keep the same in repair and the other party shall be relieved from all liability in respect of its maintenance and repair.

IV. SEWER CONNECTIONS

1. The Township shall have the right to connect to the sewer system of Plan No. 47, laterals from each residence on the west side of Collier Road between the westerly productions of Sullivan Avenue and Elgin Street and residences on both sides of Collier Road from Elgin Street south 500 feet, and all residences on the south side of Elgin Street in Plan 51. The Township agrees that by so connecting said laterals, it is connecting so that they drain into the sewage system of the Town of Thorold. Sanitary sewage only shall be drained through said laterals into the said sewer systems. The construction of the said laterals and their connection to the sewer system on Plan No. 47, as aforesaid, shall be subject to supervision, inspection and approval by the building and sewer inspector of the Town of Thorold. No connection shall be allowed for any residence which does not front on Collier Road or on any public street. No such sewer connections shall be permitted, under any circumstances, for commercial purposes or for other than to serve a residence. No downspouts on any residence so connected to the Town sewers shall be connected to drain into the sewage system or laterals serving such residence.

2. Forthwith upon said connection being made, the Township shall pay to the Town the sum of \$19.68 per house already connected and \$19.68 for any house hereafter connected. A house shall be deemed to have been connected to the sewer system of the Town of Thorold when a lateral is connected to any pipe which eventually drains into the sewage system on Plan No. 47.

3. The Clerk of the Township shall forthwith notify the Town Treasurer of the date of such connections being made, if such have been made prior to the execution of this agreement.

4. The Township shall pay annually to the Town a sewer rental of \$10.00 per year for each such residence mentioned in the last preceding paragraph 1. Such payments shall commence in the year in which the sewer connection is made and there shall be no allowance made for a broken portion of year. The aforesaid annual sums are compensation to the Town for the rights hereinbefore given in respect to the Town's sewers. Each such annual payment shall be made not later than the end of the calendar year.

The Township further covenants and agrees to pay to the Town a portion of the costs which may hereafter, at any time, during the term of this agreement, or any renewal thereof, be imposed on the Town for the treatment of sewage by the St. Catharines treatment plant. The portion payable hereunder by the Township for domestic services shall be equal to the cost of treatment for such domestic services.

V. ROAD CONSTRUCTION

Collier Road

1. A waterbound macadam with oil penetration pavement, the specifications of which to be approved by the Township Engineer, shall be constructed under *The Local Improvement Act* on Collier Road from the south limit of Sullivan Avenue northerly to Townline West, the work to be proceeded with at a time agreed to by both municipalities, and the Town shall be the initiating municipality.

2. As initiating municipality, the Town shall undertake and carry out the work of construction of the said pavement and all the provisions of Section 61 shall apply thereto and in particular:

(a) the work shall be undertaken as a Local Improvement under the provisions of *The Local Improvement Act*;

(b)

- (b) the corporations' portions of the cost of the said work shall be provided by borrowing;
- (c) the corporations' portions of the said work shall be equal;
- (d) on completion of the said work special assessment rolls shall be made and certified by the Clerk of the initiating municipality;
- (e) the Township shall pay over to the Town annually the sum to be levied and collected in each year both from the Township and its ratepayers abutting on the work, as provided by Section 61 (4), (5) and (8) of *The Local Improvement Act*;
- (f) the Township shall, in each year during the currency of the debentures issued to pay for the cost of the said work, pay to the Town its proportion of the principal and interest payable in order to meet the said debentures in each year.

3. Notwithstanding Subsection 2 of Section V the Township and the Town may pay their respective shares of the costs, upon the completion of the work, in one lump sum payment.

VI. ROAD CONSTRUCTION

Sullivan Avenue

1. The Town agrees to pay fifty per centum of the cost of the road now constructed on Sullivan Avenue from the easterly limit of Township Plan 47 to Collier Road. The cost to be shared shall include all grading, stone base, asphalt pavement and catch basins and all other necessary costs incurred in the construction of said road.

VII. STREET LIGHTING

The cost of all street lighting, both installation and maintenance, shall be shared equally on all boundary roads.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals by the hands of their respective proper officers in that behalf.

[Executed by the Parties to the Agreement]

THIS AGREEMENT made this 16th day of January, A.D. 1962.

BETWEEN:

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the Town,

OF THE FIRST PART.

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the Township,

OF THE SECOND PART.

WHEREAS the Township has represented to the Town that it is in the interest of public health that the sewers hereinafter described be constructed and that it requires to discharge the same into the sewer system of the Town of Thorold.

AND WHEREAS by Section 377 (4) of *The Municipal Act*, R.S.O. 1960, Chapter 249, it is provided that councils may pass by-laws to enter into agreements with an adjoining municipality for the use of any sewage work for the disposal of sewage and for providing for the payment by one municipality to the other, annually or otherwise, of such sums as may be agreed upon as compensation for such use.

NOW THIS AGREEMENT WITNESSETH that the parties hereto covenant and agree as follows:

1. The Township shall construct, at its own expense, sanitary sewers with all necessary private drain connections and appurtenances on the following sites, namely:

- (a) Approximately 650 feet of 8-inch transite sanitary sewer on Queen Street, to run both north and south from Chippawa Street.
- (b) Some 250 feet of 8-inch transite sanitary sewer on Chippawa Street, between Queen Street and Martin Street.
- (c) With outlet to the existing sewage system of the Town of Thorold at the corner of Chippawa and Queen Streets on Plan No. 17.
- (d) Where a property on Chippawa Street in the Town of Thorold is connected to the 250 ft. of 8 inch sanitary sewer referred to in sub-paragraph (b) above, or on Queen Street, the Town shall reimburse the Township for such connection at the rate of \$2.63 per lineal foot for the total frontage of each property so connected.

2. The Township shall have the right to construct the said sewers and outlet on Queen Street and Chippawa Streets as aforesaid and the Township shall also have the right to connect the said sewers to the sewer system of the Town of Thorold, at the said location.

3. The construction of the said sewers, connections and works shall be carried out under the direction of and shall be subject to the inspection and approval of the building inspector of the Town.

4. The Clerk of the Township shall advise the Town Clerk of the date of completion of all of the aforesaid works and shall from time to time advise the Clerk the date when each house fronting on the works has been connected so that it eventually drains into the sewage system of the Town of Thorold.

5. The Township covenants that nothing but house drainage and sanitary sewage shall be drained through the said sewers into the sewage system of the Town of Thorold and that at no time shall there be connected through the said sewers, whether directly or indirectly, any structure used for commercial purposes.

6. No downspouts on any residence connected to the Town's sewers through the said sewers shall be drained so that it enters the sewage system of the Town of Thorold. The Township covenants that it will make such arrangements for the disposal of storm water that this covenant shall be at all times observed.

7. The Township shall pay annually to the Town a sewer rental of \$10.00 per annum for each house already connected and \$10.00 per annum for each house hereafter connected to the hereinbefore described sewer works. A house shall be deemed to be connected to the sewer system of the Town of Thorold when its lateral is connected to any pipe which discharges directly or indirectly into the Town's sewage system. Such payments shall commence in the year in which the sewer connection is made and no allowance will be made for a broken portion of a year.

8. Nothing in Clause 7 shall be interpreted to permit the connection of any residence in the Township to any sewer so that it eventually might drain through the said sewer into the Town's sewer system, except those residences fronting directly on Queen Street and Chippawa Street in the Township, immediately abutting on the works described in paragraph 1.

9. The Township further covenants and agrees to pay to the Town a portion of the costs which may hereafter, at any time, during the term of this agreement, or any renewal thereof, be imposed on the Town for the treatment of sewage by the St. Catharines treatment plant. The portion payable hereunder by the Township for domestic services shall be equal to the cost of treatment for such domestic services. This clause shall be subject to revision in the event of any change in the existing municipal boundaries of the Town or the Township.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals by the hands of their respective proper officers in that behalf.

[Executed by the Parties to the Agreement]

THIS AGREEMENT made this 27th day of June, A.D. 1960.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the Township,

OF THE FIRST PART.

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the Town,

OF THE SECOND PART.

THE PUBLIC UTILITIES COMMISSION OF THE CORPORATION
OF THE TOWN OF THOROLD,
hereinafter called the Commission,

OF THE THIRD PART.

WHEREAS it is provided by Section 386 (2) of *The Municipal Act* that by-laws may be passed by the councils of all municipalities for contracting for a supply of water within the municipality for fire purposes and other public uses from hydrants or otherwise as may be deemed advisable and for renting hydrants for any number of years not, in the first instance, exceeding ten and for renewing the contract from time to time for periods not exceeding 10 years as the council may deem proper.

AND WHEREAS the Town is the owner and the Commission is the administrator of a hydrant at the corner of Queen Street and Beaverdams Road for which the Town pays to the Commission an annual rental of \$45.00.

AND WHEREAS the Township has requested the use of the said hydrant for public purposes at a rental of \$22.50 a year which use shall be shared with the Town and the Town has agreed thereto.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto in consideration of the premises covenant and agree as follows:

1. The Township shall have the right to share the use of the said hydrant for fire protection and other public uses at an annual rental commencing from the 1st of July, 1960, at the rate of \$22.50 per year so long as the rental payable by the Town to the Commission does not exceed such amount; in the event that the rental payable by the Town to the Commission for the said hydrant should exceed \$45.00 a year, the Township agrees that it will pay the Town annually half the amount of such rental.

2. This agreement shall continue from year to year until the end of 10 years from the date hereof and thereupon shall expire unless renewed pursuant to authority given by *The Municipal Act*.

3. For the year 1960 the rental payable by the Township to the Town shall be \$11.25 payable forthwith; thereafter the annual rental shall be one-half the amount of the rental for said hydrant payable by the Town to the Commission, to be paid in advance not later than the first day of March in each year, except that in the year 1970 only one-half's rental shall be payable unless the said agreement shall have been renewed.

4. Either party may cancel this agreement by giving to the other party notice of cancellation at least one month prior to the end of the calendar year but there shall be no privilege of cancellation in 1960 or in 1970.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals by the hands of their respective proper officers in that behalf.

[Executed by the Parties to the Agreement]

THIS

THIS AGREEMENT made this 8th day of June, A.D. 1962.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the Township,

OF THE FIRST PART.

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the Town,

OF THE SECOND PART.

THE PUBLIC UTILITIES COMMISSION OF THE CORPORATION
OF THE TOWN OF THOROLD,
hereinafter called the Commission,

OF THE THIRD PART.

WHEREAS the Township has submitted to the Town a preliminary plan of subdivision of 18 lots lying immediately west of and adjacent to Plan No. 52 of the Township, extending westerly from the west limits of Plan No. 52, 368 feet more or less and lying between the Townline between St. Catharines and the Township and the south limit of Lot No. 10, Plan 52 produced westerly, which plan is from the office of R. Blake Erwin, O.L.S.; and the land within the limits defined by the said Plan, whether in its present form or in its final form as a registered plan, is hereinafter called "the extension".

AND WHEREAS the Township has requested the Town to grant the right to the Township to drain the sanitary sewage from the lots on the extension into the sewage system of the Town of Thorold, either directly or by way of existing connections or otherwise.

AND WHEREAS the Town has agreed thereto upon the terms hereinafter written.

AND WHEREAS upon the application of the Township the Commission has agreed to furnish water to the extension upon the terms hereinafter set forth.

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants herein contained and other good and valuable consideration the parties hereto covenant and agree as follows:

1. The Township shall have the right to drain sanitary sewage into the sewer system of the Town from one or more main sewers servicing the lots on the extension and for that purpose to connect said main sewers to the Town's sewer system or to a main now or to be connected to the Town's sewer system, provided that:

- (a) The area and location of the extension is approximately the same extent and area and in the same location indicated by the said preliminary plan, when the plan of the land in the extension is registered, minor deviations therefrom for the purpose of adjusting the survey and its measurements being permitted.
- (b) There be no more lots than twenty on the plan of the extension.
- (c) That all sanitary sewer connections shall be made under the supervision and to the satisfaction of the Town's Engineer and at such points as may be agreed on by said Engineer.

2. All lots on the extension shall be used for residential purposes only; no lot used for any other than residential purposes shall be connected to a sanitary sewer on said extension, or so as to eventually drain into the Town's sewer system.

3. The construction, installation and operation of sanitary sewers on the extension and the installation of laterals thereon shall be subject at all times to the inspection and approval of the Building Inspector of the Town of Thorold.

4. No downspout shall be installed on any lot on the extension so that it drains either into a sewer lateral or eventually into the Town sewer system or directly on a street; all such downspouts must drain on sod or the earth and at a point sufficiently back from the street that no direct runoff of water therefrom shall reach the street.

5. The Township covenants that no storm or surface drainage or runoff shall enter the Town's sewers, directly or indirectly, from the extension, except natural surface drainage from the land within the extension and storm or surface water from that part of the pavement on Lawrence Drive lying along a distance of 300 lineal feet westerly from Collier Road.

6. For the privileges aforesaid the Township shall pay the Town annually the sum of \$10.00 for each house on the Plan within the extension connected to a sanitary sewer. Such payments shall be made annually before the last day of each year.

7. In addition to the annual payments provided by the preceeding paragraph, the Township covenants and agrees to pay to the Town the sum of \$19.68 per lot for each lot as finally shown on the plan of the extension when registered, to be paid as soon as the sanitary laterals are connected to a sewer which eventually drains into the sewer system of the Town of Thorold.

8. The Township covenants and agrees to pay to the Town a portion of the costs, which may hereafter, at any time, be imposed on the Town for the treatment of sewage by the St. Catharines treatment plant. The portion payable hereunder by the Township for domestic services shall be equal to the cost of treatment for such domestic services. This paragraph shall be abrogated by any agreement later made, having a like effect.

9. The cost of making all connections to the sewer system of the Town of Thorold, including the cost of any extensions necessary for making said connections, shall be borne solely by the Township.

10. This agreement is made by the Town and the Township as to sewer services by authority of *The Municipal Act*, R.S.O. 1960, Chapter 249, Section 377 (4).

11. The Commission grants to the Township the right to drain water for the use of the houses on the plan of the said extension from the water system of the Town of Thorold and for that purpose to make the necessary connection to the water system of the Town of Thorold. Such connections shall be made under the supervision of the Public Utilities Commission of the Town of Thorold. The parties mutually agree that the water rates to be charged to each user on the plan of the extension shall be 150% of the water rates charged to domestic water users in the Town of Thorold.

12. The Commission shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of and may exercise any remedies for the collection of said rates as are provided for the collection of rates within the Town of Thorold, together with any and all rights under the provisions of *The Public Utilities Act* of Ontario, and the Township covenants and agrees to co-operate and assist the Commission upon request in the collection of the said rates.

13. The Town extends to the Township permission to enter on and use any road over which the Town may have jurisdiction in order to make the aforesaid connection to the Town water system, but on completion of the work the Township will maintain the said connection and will restore all roads to the condition in which they were prior to entering thereon.

14. The Commission agrees that all house water services which may be connected to abutting properties shall not be over 5/8th inch diameter.

15. In the event that the Township and the Commission cannot agree upon any matter arising under the operation of this agreement, the whole matter in dispute shall be referred for arbitration to the Senior Judge of the County Court of the County of Welland under the provisions set forth in *The Municipal Act*.

16. This agreement is made by the Commission by virtue of Section 11 of *The Public Utilities Act*, R.S.O. 1960, Chapter 235, and the Town of Thorold hereby consents to the execution and carrying out of this agreement by the Commission in so far as the agreement pertains to the Commission pursuant to Section 41 of the said *Public Utilities Act*.

17. This agreement shall be for a term which shall expire and absolutely determine upon the expiration of the term of the agreement between the parties hereto dated the 1st day of October, 1960, respecting sewer and water services furnished by the Town for that portion of the Township now known as Plan No. 52 of the Township of Thorold.

18. If, after the expiration of this agreement, it be not formally renewed, in writing, or a new agreement made, but the parties continue to furnish and receive respectively the services herein provided for, then such arrangements may be terminated by any party giving to the other parties written notice of termination on any date by serving such notice on the other parties, either by personal service on the Clerk or Secretary of the parties to be served or by mailing such notice by prepaid registered mail to such Clerk or Secretary. Upon the expiration of six months from the time of such service or mailing, all the existing arrangements arising out of this agreement shall cease and determine and shall become of no further force or effect and, except as to money adjustments up to the time of termination, no party shall have any further claim on or obligation toward any other of the parties.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals by the hands of their proper respective officers in that behalf.

[Executed by the Parties to the Agreement]

MEMORANDUM OF AGREEMENT made this 1st day of October, A.D. 1960.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the Township,

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the Town,

OF THE SECOND PART,

— and —

THE PUBLIC UTILITIES COMMISSION OF THE CORPORATION
OF THE TOWN OF THOROLD,
hereinafter called the Commission,

OF THE THIRD PART.

WHEREAS the Township is desirous of obtaining water services and sewer services for those lands and premises within the Township of Thorold, to be shown on a registered plan of the easterly 150 feet of the northerly (approximately) 1500 feet of Lot No. 20 and Gore Lot No. 20, and Road Allowance between, of the Township.

WITNESSETH that in consideration of the mutual covenants herein contained the Parties hereto agree as follows:

1. The Township agrees to pay the cost of extending from the existing 12" sewer on Collier Road a 10" sewer a distance of 240 feet southerly to the northerly limit of Sullivan Avenue with the understanding that should the owner or owners of the land within the limits of the Town of Thorold desire connections to this sewer they will pay for their share of the cost of this sewer to the Township of Thorold.

2. The Township agrees to extend the existing 6" watermain on Collier Road southerly to connect up with the existing watermain at the northerly limit of Sullivan Avenue again with the understanding that should the owner or owners of the land within the Town of Thorold desire water service connections they will pay their share of the cost of this watermain to the Township of Thorold.

3. The Township agrees to extend the sewer on St. Davids Road from the manhole at the southeast corner approximately 210 feet westerly on St. Davids Road.

4. The Township agrees to extend the watermain on St. Davids Road from the existing watermain on Collier Road, 210 feet westerly on St. Davids Road.

5. The Township covenants and agrees to pay to the Town of Thorold the sum of \$19.68 per lot for each of the 20 lots shown on said plan, when registered, as soon as the sanitary laterals are connected into the sewer system of the Town of Thorold on the east side of Collier Road.

6. The Township covenants and agrees to pay to the Town a portion of the costs, which may hereafter, at any time, be imposed on the Town for the treatment of sewage by the St. Catharines treatment plant. The portion payable hereunder by the Township for domestic services shall be equal to the cost of treatment for such domestic services.

7. The Town grants to the Township the right to drain sanitary sewage only into the sewer system of the Town of Thorold from the lots on the said plan, when registered, and for that purpose to connect to the Town sewer system sufficient laterals to serve the said lots. All of the said lots shall be used for residential purposes only and no connection to the Town sewers shall be permitted for commercial purposes. No downspouts shall be drained so that they will eventually drain into the Town sewage system.

All of the said installations shall be under the inspection of the Building Inspector of the Town of Thorold. For the privileges aforesaid, the Township shall pay annually to the Town the sum of \$10.00 for each house so connected as compensation for the permissions herein given, by this paragraph. Such payment shall be made annually before the last day of each year.

8. The Commission grants to the Township the right to connect the said watermain extensions to the water system of the Town of Thorold. The parties hereto mutually agree that the water rates charged to each user on the said plan shall be 150% of the rates charged to domestic water users in the Town of Thorold.

9. The Commission shall collect all water rates chargeable under the terms of the Agreement and shall determine the manner of and may exercise any remedies for the collection of said rates as are provided for the collection of rates within the Town of Thorold, together with any and all rights under the provisions of *The Public Utilities Act* of Ontario, and the Township covenants and agrees to co-operate and assist the Commission upon request in the collection of the said rates.

10. The Commission and/or the Town of Thorold will maintain all watermains, valves, hydrants, sewers and other water and sewer services on the east side of Collier Road, and the Township hereby extends permission to the Commission and/or the Town of Thorold to use any portion of the street as may be necessary for the maintenance of the said watermains and valves, hydrants, sewers and other water and sewer services, provided that the Commission and/or the Town of Thorold will restore any streets or highways at its own expense to their former condition. The Township will maintain the watermain and sewer on St. Davids Road and any crossings of Collier Road which may be necessary, at its own expense.

11. The Commission agrees that all house water services which may be connected to abutting properties shall not be over 5/8th inch diameter.

12. In the event that the Township and the Commission cannot agree upon any matter arising under the operation of this agreement, the whole matter in dispute shall be referred for arbitration to the Senior Judge of the County Court of the County of Welland under the provisions set forth in *The Municipal Act*.

13. Pursuant to the provisions of Sections 11 and 41 of *The Public Utilities Act*, R.S.O. 1950, Chapter 320, the Town by these presents, hereby consents to the execution and carrying out of this Agreement by the Commission, in so far as the Agreement pertains to the Commission.

14. This Agreement is made by the Town of Thorold in so far as sewer services are concerned by authority of Section 386 (4) of *The Municipal Act*.

15. This agreement shall be for a term of 10 years from the date from when the first water connection is made pursuant to this agreement from a house on said land to the Town water system. If, after the expiration of the said 10-year period, the agreement be not formally renewed, in writing, or a new agreement made, but the parties continue to furnish and receive respectively the services herein provided for, then such arrangements may be terminated by any party giving to the other parties written notice of termination on any date by serving such notice on the other parties, either by personal service on the Clerk or Secretary of the parties to be served or by mailing such notice by prepaid registered mail to such Clerk or Secretary. Upon the expiration of six months from the time of such service or mailing, all the existing arrangements arising out of this agreement shall cease and determine and shall become of no further force or effect and except as to money adjustments up to the time of termination, no party shall have any further claim on or obligation toward any other of the parties.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals by the hands of their proper respective officers in that behalf.

[Executed by the Parties to the Agreement]

MEMORANDUM OF AGREEMENT made this 1st day of October, A.D. 1960.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the Township,

OF THE FIRST PART,

THE CORPORATION OF THE TOWN OF THOROLD,
hereinafter called the Town,

OF THE SECOND PART,

THE PUBLIC UTILITIES COMMISSION OF THE CORPORATION
OF THE TOWN OF THOROLD,
hereinafter called the Commission,

OF THE THIRD PART.

WHEREAS the Township is desirous of obtaining water service and sewer service for the Richmond Street public school on part Township Lot No. 32.

AND WHEREAS the Town is authorized to make that part of the agreement hereinafter set forth respecting sewers by Section 386 (4) of *The Municipal Act*.

WITNESSETH that in consideration of the mutual covenants herein contained the parties hereto agree as follows:

1. The term of this agreement shall be from the 1st day of October, 1960, to the 30th day of September, 1970, inclusive, and thereafter, if not terminated, the agreement shall continue from year to year until terminated under the provisions set forth in Paragraph 8 hereof. Any year of this agreement or of this agreement so continued shall be from October 1st to September 30th inclusive.
2. The Township agrees to pay the total cost of extending the existing 8" sanitary sewer and 8" watermain on the north side of Richmond Street a distance of approximately 900 feet west of the westerly limit of the Town of Thorold, both such extensions to be also 8" in diameter. The sewer extension shall be done according to standard sewer construction practice.
3. The Town grants to the Township the right to drain sanitary sewage only into the sewer system of the Town from said school and from no more than 3 residences east of said school on the south side of Richmond Street, in the Township, and for that purpose to connect said sewer extension to the Town's existing 8" sanitary sewer on the north side of Richmond Street at the west limits of the Town. The Township shall pay annually to the Town an amount of \$80.00 for the school and \$5.00 each for said house connections. Such amount to be compensation to the Town for the right hereinbefore given. Such payments shall be made before the last day of each year.
4. The Commission grants to the Township the right to connect said watermain extension to the existing 8" watermain on the north side of Richmond Street at the west limits of the Town and to take therefrom water to supply the said school and 3 houses mentioned in the previous paragraph hereof. It is agreed that the water rates for said school and houses and the rental for any hydrant connected by the Township to said extension, shall be 150% of the rates or rentals charged to those using water in the Town.

5. The Commission shall collect all water rates chargeable under the terms of this Agreement and shall determine the manner of and may exercise any remedies for the collection of said rates as are provided for the collection of rates within the Town of Thorold, together with any and all rights under the provisions of *The Public Utilities Act* of Ontario, and the Township covenants and agrees to co-operate and assist the Commission upon request in the collection of the said rates.

6. The Township will maintain the sewer main, watermain valves, hydrants and other services from the westerly limit of the Town of Thorold.

7. In the event that the Township and the Commission cannot agree upon any matter arising under the operation of this agreement, the whole matter in dispute shall be referred for arbitration to the Senior Judge of the County Court of the County of Welland under the provisions set forth in *The Municipal Act*.

8. This agreement may be terminated at the end of the 10th year thereof or after 10 years, by either party giving to the other party a six months written notice of its intention to so terminate. Such notice shall be given on or prior to the 31st day of March in any year in which such termination is to become effective. Notice of termination may be served by leaving the notice with the Clerk of the Corporation upon which the same is to be served or by mailing the notice by prepaid registered mail to such Clerk on or before the 31st day of March in the year of termination. Upon giving notice of termination as aforesaid, this agreement shall then cease and become of no further force or effect at the end of the 30th day of September of the year in which notice is so given.

9. The Commission agrees that all house water services which may be connected to the abutting properties shall be not over 5/8th inches in diameter, except the school service which shall be 4 inches in diameter.

10. Pursuant to the provisions of Sections 11 and 41 of *The Public Utilities Act*, R.S.O. 1950, Chapter 320, the Town by these presents hereby consents to the execution and carrying out of this agreement by the Commission.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals by the hands of their proper respective officers in that behalf.

[Executed by the Parties to the Agreement]

SCHEDULE C

THIS AGREEMENT made this 16th day of November, One Thousand Nine Hundred and Fifty-three.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA (hereinafter referred to as "Her Majesty"), represented herein by the Minister of Transport (hereinafter referred to as "the Minister"), acting under the authority of an Order in Council (P.C. 1953-1666) dated the 28th day of October, 1953,

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWN OF THOROLD, THE CORPORATION OF THE TOWN OF MERRITTON, and THE CORPORATION OF THE CITY OF ST. CATHARINES, in the Province of Ontario (hereinafter referred to as "the Corporations"),

OF THE SECOND PART.

WHEREAS Her Majesty proposes to reduce the flow to fifty (50) cubic feet per second or less in the Second Welland Canal from O'Neill's Bridge, in the Township of Thorold, northerly to the junction in the City of St. Catharines of the said Second Welland Canal with Twelve Mile Creek and to transfer to the Corporations the said portion of the Second Welland Canal and the canal reserve land connected therewith;

AND WHEREAS the Corporations have agreed to accept the transfer of the said portion of the Second Welland Canal and the canal reserve land connected therewith, and to rehabilitate the same and to undertake and complete the improvement of the unsanitary and unsightly conditions, caused by deposits of industrial wastes and sewage, in the Second Welland Canal and lands and district adjacent thereto, and the construction on the said land of a storm water and drainage channel and an interceptor sewer, and to do, furnish and perform the works, materials, matters and things required to be done, furnished and performed in connection therewith;

AND WHEREAS Her Majesty has agreed to pay to the Corporations, by way of a contribution towards the cost of the works, materials, matters and things required to be done, furnished and performed by the Corporations under and pursuant to this Agreement, the sums in clauses Nos. 9, 10 and 11 hereof provided, and in consideration of the payment by Her Majesty of the said sums, the Corporations have agreed to assume all future liability in connection with the rehabilitation of the said land and the disposal of industrial wastes and drainage of lands in the vicinity of the said portion of the Second Welland Canal and to release and indemnify Her Majesty from and against all claims in connection therewith.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto, in consideration of the covenants, provisoes and conditions herein contained, hereby covenant, promise and agree, each with the other, as follows:

1. That subject as in Clause Number 13 hereof provided, Her Majesty will transfer and convey to each of the said Corporations, in consideration of the payment of the sum of One Dollar (\$1.00) by each of the said Corporations, the Second Welland Canal land located within the limits of each municipality, excepting and reserving therefrom the land coloured yellow and brown on Plan No. W. C. L. 52-1 annexed hereto, the land to be conveyed to the Corporations being indicated coloured red on the said plan.

2. That the said land shown coloured yellow on the said plan No. W. C. L. 52-1 annexed hereto has been demised and leased by His late Majesty the King to the Canadian National Railway Company under Lease dated the twenty-eighth day of October, 1950, and bearing No. 46316 in the records of the Department of Transport, and to the Niagara, St. Catharines and Toronto Railway Company under Leases dated the fifth day of June, 1906, the second day of July, 1931, the ninth day of July, 1940, and the nineteenth day of April, 1947, bearing Nos. 16213, 28524, 32041 and 40586, respectively, in the records of the Department of Transport, and Her Majesty will at the termination of the said leases transfer and convey to each of the said Corporations the areas of the said land located within their respective limits.

3. That until such time as the flow of water in the said portion of the Second Welland Canal is reduced to a flow not in excess of fifty cubic feet per second (50 c.f.s.) as herein provided for, Her Majesty hereby reserves the right to continue in force and effect a certain hydraulic lease to Welland Pulp Products, Limited, dated the sixth day of August, 1940, and bearing No. 32044 in the records of the Department of Transport, or any new lease or leases granted in supersession thereof, and the right to retain all rentals reserved to Her Majesty under such lease or leases.

4. That the Corporations shall, upon the transfer and conveyance to them by Her Majesty of the land referred to in clause one (1) hereof, rehabilitate the said land and undertake and complete thereon and on portions of the land referred to in clause two (2) hereof, the construction of an interceptor sewer and a storm water and drainage channel all at their own cost and expense and to the complete satisfaction of the Minister, and, generally, on the location indicated on the attached plan.

5. That upon the completion of the work of construction of the said interceptor sewer and storm water and drainage channel the same shall be maintained, operated and kept in a good condition of repair by the Corporations at their own cost and expense, forever.

6. That as from the date of the transfer and conveyance to the Corporations of the land referred to in clause one (1) hereof the Corporations shall pay to Her Majesty annually in advance and for a period of two years from the said date, the sum of Two thousand eighty-nine dollars (\$2,089.00), as follows:

By the Corporation of the Town of Thorold. 401.00

By the Corporation of the Town of Merrittton. 1,460.00

By the Corporation of the City of St. Catharines. 228.00

7. That pending the completion by the Corporations of the said work of construction of the interceptor sewer and the storm water and drainage channel, Her Majesty will divert, and the Corporations hereby agree to the passing thereof, in the said portion of the Second Welland Canal from O'Neill's Bridge in the Town of Thorold northerly to the junction in the City of St. Catharines of the Second Welland Canal with Twelve Mile Creek, a minimum flow of one hundred fifty cubic feet per second (150 c.f.s.) of water, and for such purpose and during such period but not beyond December 31, 1954, Her Majesty will operate, maintain and repair at Her own cost and expense the gates, weirs, locks, channels and structures connected with the said portion of the Second Welland Canal, and, without limiting or restricting in any manner the generality of the provisions of clause No. 14 hereof, each Corporation shall, at all times, indemnify and save harmless Her Majesty from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributable in any manner to the operation, maintenance and repair of the said gates, weirs, locks, channels and structures located within the Corporate limits of each municipality, provided that such claims and demands, loss, costs, damages, actions, suits, or other proceedings are not attributable to or a result of the negligence of any servants of Her Majesty.

8. That, upon completion by the Corporations of the said work of construction of the storm water and drainage channel, Her Majesty, for purposes in connection with the operation of the said channel, shall divert from the Second Welland Canal, and the Corporations shall accept and pass through the said storm water and drainage channel, in perpetuity, dilution water not in excess of fifty cubic feet per second (50 c.f.s.).

9. That Her Majesty will pay to the Corporations the sum of Two hundred thousand dollars (\$200,000.00) towards the cost of construction of the said interceptor sewer, in the proportions of \$63,960.00 to the Town of Thorold, \$89,460.00 to the Town of Merrittton and \$46,580.00 to the City of St. Catharines, payment of the said sums to be made as follows:

- (a) Four payments of \$15,990.00, each, to the Corporation of the Town of Thorold when the work of construction of the said interceptor sewer within the limits of the said Town has been completed to the extent respectively of twenty-five per centum (25%), fifty per centum (50%), seventy-five per centum (75%) and one hundred per centum (100%) thereof, as determined by the Certificates of the Superintending Engineer of the Welland Canals and approved by the Minister.
- (b) Four payments of \$22,365.00, each, to the Corporation of the Town of Merrittton when the work of construction of the said interceptor sewer within the limits of the said Town has been completed to the extent respectively of twenty-five per centum (25%), fifty per centum (50%), seventy-five per centum (75%) and one hundred per centum (100%) thereof, as determined by the Certificates of the Superintending Engineer of the Welland Canals and approved by the Minister.
- (c) Four payments of \$11,645.00, each, to the Corporation of the City of St. Catharines when the work of construction of the said interceptor sewer, or other works in lieu thereof, within the limits of the said City, satisfactory to the Minister and to the Minister of Health of the Province of Ontario, has been completed to the extent respectively of twenty-five per centum (25%), fifty per centum (50%), seventy-five per centum (75%) and one hundred per centum (100%) thereof, as determined by the Certificates of the Superintending Engineer of the Welland Canals and approved by the Minister.

10. That, in addition to the payment of the sum of Two hundred thousand dollars (\$200,000.00) provided for in clause nine (9) hereof, Her Majesty will pay to the Corporations the sum of One hundred thirty-six thousand five hundred and fifty-one dollars (\$136,551.00) when the work of construction of the storm water and drainage channel has been completed to the satisfaction of the Minister and the flow of water in the said portion of the Second Welland Canal has been reduced to fifty cubic feet per second (50 c.f.s.), or less, as provided for in clause eight (8) hereof, payment of the said amount of \$136,551.00 to be made to the Corporations as follows:

The Corporation of the Town of Thorold.....	\$61,575.00
The Corporation of the Town of Merrittton.....	30,768.00
The Corporation of the City of St. Catharines.....	44,208.00

11. That when the problem of the disposal of industrial wastes in the said Second Welland Canal and lands and district adjacent thereto is finally eliminated, to the satisfaction of the Minister of Health of the Province of Ontario, as determined by the Minister, Her Majesty will pay to the Corporations, in addition to the amounts referred to in clauses nine (9) and ten (10) hereof, the sum of One hundred thirty-six thousand five hundred and forty-nine dollars (\$136,549.00) as follows:

The Corporation of the Town of Thorold.....	\$61,575.00
The Corporation of the Town of Merrittton.....	30,767.00
The Corporation of the City of St. Catharines.....	44,207.00

12. That a certain portion of Second Welland Canal reserve land fronting on Merritt Street in the Town of Merriton is not included in the land to be transferred and conveyed to the Corporation of the Town of Merriton under the provisions of clause one thereof, the said portion of land being subject to a lease dated November 27, 1948, No. 42343 in the records of the Department of Transport, granted by His late Majesty the King in right of Canada represented by the Minister of Transport, to Stephen L. Clark, and the said lease contains an option in favour of the said Stephen L. Clark to purchase the leased land for the price and sum of Six Thousand Dollars (\$6,000.00), and Her Majesty agrees that if and when the said portion of land is transferred and conveyed to the said Stephen L. Clark in accordance with the said option, Her Majesty will, in addition to the payments reserved to the Corporation of the Town of Merriton under the provisions hereof, pay to the said Corporation the sum of Six Thousand Dollars (\$6,000.00).

13. That the Corporation of the City of St. Catharines hereby consents to the cancellation of, and Her Majesty will cancel, as and from the date the Second Welland Canal lands within the corporate limits of the City of St. Catharines are conveyed to the Corporation of the City of St. Catharines, as referred to in clause one (1) hereof, the leases granted to the City dated the twenty-fifth day of September, 1912, the sixteenth day of April, 1936, and the tenth day of September, 1942, and bearing Nos. 19658, 29963 and 33815, respectively, in the records of the Department of Transport.

14. That each of the Corporations shall at all times indemnify and save harmless Her Majesty from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings arising from causes or matters within the corporate limits of each, respectively, by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributable to the execution of this Agreement, including, but without limiting the generality of the foregoing, the rehabilitation of the said land, the construction, repair and maintenance of the said storm water and drainage channel and the said interceptor sewer, disposal of industrial wastes and drainage of lands in the vicinity of the Second Welland Canal, or to the default of the Corporations in the construction, repair, maintenance or disposal thereof, whether the want of repair, maintenance or disposal be the result of misfeasance or nonfeasance or otherwise howsoever, or any action taken or things done or maintained by virtue hereof, or the exercise in any manner of rights arising hereunder.

15. That it is understood and agreed by and between the parties hereto that nothing herein contained shall entitle the Corporations to payment by Her Majesty as herein provided unless and until the necessary funds have been voted by Parliament in that behalf.

IN WITNESS WHEREOF the parties hereto have executed these Presents the day and year first above written.

[Executed by the Parties to the Agreement]

[Plan attached to original agreement on file in office of Clerk of
Town of Thorold]

THIS AGREEMENT made this 31st day of March, One Thousand Nine Hundred and Fifty-nine.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA (hereinafter referred to as "Her Majesty"), represented herein by the Minister of Transport (hereinafter referred to as "the Minister"), acting under the authority of an Order in Council _____, dated the _____,

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWN OF THOROLD, THE CORPORATION OF THE TOWN OF MERRITTON, and THE CORPORATION OF THE CITY OF ST. CATHARINES, in the Province of Ontario (hereinafter referred to as "the Corporations"),

OF THE SECOND PART.

WITNESSETH that the parties hereto hereby covenant, promise and agree, each with the other, as follows:

1. That the Agreement dated the sixteenth day of November, 1953, and bearing No. 50751 in the records of the Department of Transport, (hereinafter referred to as "Agreement No. 50751"), entered into between Her Majesty and the Corporations, covering the conveyance by Her Majesty to the Corporations of certain Second Welland Canal reserve lands and the rehabilitation of the said lands and the construction thereon by the Corporations of a storm water and drainage channel and an interceptor sewer and payment by Her Majesty to the Corporations of a contribution towards the cost of the works, Is Hereby Amended, effective as of the date of these Presents, as follows:

(1) By deleting clauses 4 and 5 of Agreement No. 50751 and substituting therefor the following clauses 4, 5, 6, 7 and 8:

4. That the Corporations shall, upon the transfer and conveyance to them by Her Majesty of the land referred to in clause 1 hereof, undertake and complete thereon and on portions of the land referred to in clause 2 hereof, the construction of an interceptor sewer, at their own cost and expense.
5. That Her Majesty will undertake and complete on the land referred to in clause 1 hereof and on certain portions of the land referred to in clause 2 hereof, the construction of a storm water and industrial waste channel, generally, on the location shown on the attached Plan No. 0-133, dated October 16, 1958, and in the following manner:

(a) *In the Town of Thorold,*

- (i) from O'Neill's Bridge to Lock 25, an open drain or channel of a clear width of approximately eighteen (18) feet, such clear width to be measured from the toe of the slope on one side of the said drain or channel to the toe of the slope on the other side,
- (ii) from Lock 25 to Lock 22, a completely enclosed culvert or pipeline, portions of which to be approximately 5'-0" x 5'-0" and portions approximately 6'-0" x 6'-0",
- (iii) from Lock 22 to the northern limits of the Town of Thorold, an open drain or channel of a clear width of approximately twenty-four (24) feet, such clear width to be measured in the manner as set out in subparagraph (i) hereof,

(iv)

- (iv) Lynden Street crossing consisting of an earth fill with a 6' x 10' concrete culvert for the passage of water,
- (v) that portion of the Townline crossing located in the Town of Thorold, consisting of an earth fill with a 7' x 14' concrete culvert for the passage of water;

(b) *In the Town of Merritton,*

- (i) from the southern limits of the Town of Merritton to Lincoln Avenue at the northern limits of the Town of Merritton, not including, however, the completely enclosed portion of the channel as referred to in subparagraph (ii) hereof, an open drain or channel of a clear width from twenty-four (24) feet to twenty-eight (28) feet, such clear width to be measured in the manner as set out in subparagraph (i) of paragraph (a) hereof,
- (ii) from Lock 17 to Lock 13, both inclusive, a completely enclosed culvert or pipeline, approximately 6'-0" x 6'-0", provided, however, that nothing contained in this subparagraph (ii) shall obligate Her Majesty to undertake the construction of the culvert or pipeline as herein provided, or any portion thereof, unless and until the Corporation of the Town of Merritton shall have contributed and paid to Her Majesty the sum of Fifteen thousand dollars (\$15,000.00) towards the cost of the said culvert or pipeline,
- (iii) that portion of the Townline crossing located in the Town of Merritton and consisting of an earth fill with a 7' x 14' concrete culvert for the passage of water;

(c) *In the City of St. Catharines,*

- (i) from Lincoln Street to the fill at Ontario Street south, an open drain or channel of a clear width of approximately thirty-two feet (32'), such clear width to be measured in the manner as set out in subparagraph (i) of paragraph (a) above,
 - (ii) from the fill at Ontario Street south to the southerly limits of the Second Welland Canal reserve lands transferred and conveyed to the City of St. Catharines pursuant to clause 1 hereof, an open drain or passageway of a clear width of approximately thirty-two (32) feet, such clear width to be measured in the manner as set out in subparagraph (i) of paragraph (a) above.
6. That Her Majesty will extend from O'Neill's Bridge to the Third Welland Canal and to Shriners Culvert, the construction of the storm water and industrial waste channel provided for in clause 5 hereof.
7. That Her Majesty will undertake and complete the work of filling in the old pondage areas and the old waste weir channels and, subject to subparagraphs (iv) and (v) of paragraph (a) and subparagraph (iii) of paragraph (b) of clause 5, of filling over the completely enclosed culvert or pipeline sections of the storm water and industrial waste channel, on the location shown on the attached plan, and, generally, to an elevation of one (1) foot higher than the top of the said storm water and industrial waste channel, all with suitable material and to the satisfaction of the Director of Canal Services, Department of Transport, whose decision in the matter shall be final.

8. That as, from and after the expiration of one (1) year from the date of completion, as determined by the Minister, within the limits of each of the Corporations, of the work of construction of the said storm water and industrial waste channel as provided for in clause 5 hereof and of the fill as provided for in clause 7 hereof, the same shall be maintained, operated and kept in good condition of repair, in perpetuity, by the Corporations, each within its limits and at their own cost and expense.
- (2) By renumbering clause 6 of Agreement No. 50751 to read clause 9 and by deleting clause 7 of Agreement No. 50751 and substituting therefor the following clause:
10. That pending the completion by the Corporations of the said work of construction of the interceptor sewer and by Her Majesty of the storm water and industrial waste channel, Her Majesty will divert, and the Corporations hereby agree to the passing thereof, in the said portion of the Second Welland Canal from O'Neill's Bridge in the Town of Thorold northerly to the junction in the City of St. Catharines of the Second Welland Canal with Twelve Mile Creek, a minimum flow of one hundred and fifty cubic feet per second (150 c.f.s.) of water, and Her Majesty will operate, maintain and repair at Her own cost and expense the gates, weirs, locks, channels and structures connected with the said portion of the Second Welland Canal, and, without limiting or restricting in any manner the generality of the provisions of clause No. 14 hereof, each Corporation shall, at all times, indemnify and save harmless Her Majesty from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributable in any manner to the operation, maintenance and repair of the said gates, weirs, locks, channels and structures located within the Corporate limits of each municipality, provided that such claims and demands, loss, costs, damages, actions, suits or other proceedings are not attributable to or a result of the negligence of any servants of Her Majesty.
- (3) By deleting clause 8 of Agreement No. 50751 and substituting therefor the following:
11. That, upon completion by Her Majesty of the said work of construction of the said storm water and industrial waste channel, Her Majesty, for purposes in connection with the operation of the said storm water and industrial waste channel, will divert from the Third Welland Canal and the Corporations shall accept and pass through the said storm water and industrial waste channel, in perpetuity, dilution water not in excess of fifty cubic feet per second (50 c.f.s.); provided that Her Majesty may, if considered necessary to desirable by the Director of Canal Services of the Department of Transport, divert for periodic flushing purposes dilution water up to an amount of one hundred and fifty cubic feet per second (150 c.f.s.).
- (4) By deleting clauses 9, 10 and 11 of Agreement No. 50751.
- (5) By deleting clauses 14 and 15 of Agreement No. 50751 and substituting therefor the following:
14. That each of the Corporations shall, at all times, indemnify and save harmless Her Majesty from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings arising from causes or matters within the corporate limits of each, respectively, by whomsoever made, brought or prosecuted, in any manner based upon, occasioned by or attributable to the execution of this Agreement, including, but without limiting the generality of the foregoing, claims based upon, occasioned by or attributable to the construction of the said storm water and industrial waste channel on any of the lands referred to in clause 1 hereof and which have or may be disposed of by any of the Corporations, respectively, the existence of the said storm water

and

and industrial waste channel and the passage of sewage effluent therethrough, the construction by the Corporations of the said interceptor sewer, the maintenance, repair and operation by the Corporations of the said storm water and industrial waste channel, or to the default of the Corporations in such maintenance, repair and operation, whether the want of maintenance, repair or operation be the result of misfeasance or nonfeasance or otherwise howsoever, or any action taken or things done or maintained by virtue hereof, or the exercise in any manner of rights arising hereunder; provided this clause will not be effective for a period of one (1) year from the date of completion, as determined by the Minister, of the work of construction of the said storm water and industrial waste channel within the limits of each Corporation, in respect of claims based upon, occasioned by or attributable to faulty or inadequate design or construction within such Municipality of the said storm water and industrial waste channel.

15. That it is understood and agreed by and between the parties hereto that nothing herein contained shall obligate Her Majesty to undertake the construction of the said storm water and industrial waste channel as herein provided, or any portion thereof, unless and until the necessary funds have been voted by Parliament in that behalf.
16. That Her Majesty, Her officers, servants and agents shall have the right, at all times, to enter upon the lands transferred and conveyed to the Corporations pursuant to this agreement and to construct, maintain, repair and operate thereon transmission and telephone lines for purposes of the Welland Ship Canal and also to maintain, repair and operate on such lands the existing transmission and telephone lines for purposes of the said canal, and for every such purpose Her Majesty, Her officers, servants and agents shall have access to the said lands at all times.
17. That it is further agreed that Her Majesty will, if so required by the Corporation of the Town of Thorold and the Corporation of the City of St. Catharines, prepare separate designs, plans, drawings, details and specifications for the said storm water and industrial waste channel, in addition to the designs, plans, drawings, details and specifications prepared for the construction of the work provided for in clause 5 hereof, and in order to incorporate the alternate proposals of the Corporations of the Town of Thorold and the City of St. Catharines and that separate tenders will be called by Her Majesty for the construction of the said channel in accordance with the said separate designs, plans, drawings, details and specifications, and in the event that it is mutually agreed upon between the parties hereto to undertake the work of construction of the said channel in accordance with the said separate designs, plans, drawings, details and specifications, the Corporations of the Town of Thorold and the City of St. Catharines, respectively, hereby undertake, promise and agree to reimburse Her Majesty the additional cost of the work of construction of the said channel in excess of the cost of construction of the said channel in the manner as provided for in clause 5 hereof, including the cost of preparation of the said separate designs, plans, drawings, details and specifications, such reimbursement to be made forthwith upon receipt by the said Corporations of accounts of the said additional cost, duly certified by the Director of Canal Services, Department of Transport.

2. That all the terms, covenants, provisoes, agreements, conditions and reservations contained and reserved in Agreement No. 50751, as amended by this supplemental Agreement, shall continue in full force and effect between the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed these presents the day and year first above written.

[Executed by the Parties to the Agreement]

[Plan attached to original agreement on file in office of Clerk of
Town of Thorold]

SCHEDULE D

SCHEDULE D

THIS AGREEMENT made this third day of November, One Thousand Nine Hundred and Sixty-one.

BETWEEN:

THE ST. LAWRENCE SEAWAY AUTHORITY, a body corporate having its head office and chief place of business at the City of Ottawa, Canada, established by the St. Lawrence Seaway Authority Act and herein acting and exercising its powers as an agent of Her Majesty in right of Canada, hereinafter called the "Authority",

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWN OF THOROLD, and
THE CORPORATION OF THE CITY OF ST. CATHARINES,
in the Province of Ontario, hereinafter called the
"Corporations",

OF THE SECOND PART.

WHEREAS the lands pertaining to the Welland Canal as particularly described in Agreement No. 50751 in the records of the Department of Transport entered into between Her Majesty and the Corporations of the Town of Thorold, Town of Merritton and the City of St. Catharines have been assigned to The St. Lawrence Seaway Authority by P.C. 1959-204 as of the 1st day of April, 1959;

AND WHEREAS the Corporation of the Town of Merritton is now amalgamated into the Corporation of the City of St. Catharines.

WITNESSETH that the parties hereto hereby covenant, promise and agree, each with the other, as follows:

1. That the Agreement dated the sixteenth day of November, 1953, and bearing No. 50751 in the records of the Department of Transport (hereinafter referred to as "Agreement No. 50751"), entered into between Her Majesty and the Corporations, covering the conveyance by Her Majesty to the Corporations of certain Second Welland Canal reserve lands and the rehabilitation of the said lands and the construction thereon by the Corporations of a storm water and drainage channel and an interceptor sewer and payment by Her Majesty to the Corporations of a contribution towards the cost of the works, Is Hereby Amended, effective as of the date of these Presents, as follows:

(1) By deleting clauses 4 and 5 of Agreement No. 50751 and substituting therefor the following clauses 4, 5, 6, 7 and 8:

"4. That the Corporations shall, upon the transfer and conveyance to them by the Authority of the land referred to in clause 1 hereof, undertake and complete thereon and on portions of the land referred to in clause 2 hereof, the construction of an interceptor sewer, at their own cost and expense.

"5. That the Authority will undertake and complete on the land referred to in clause 1 hereof and on certain portions of the land referred to in clause 2 hereof, the construction of a storm water and industrial waste channel, generally, on the location shown on Plan No. 0-133, dated October 16, 1958, as further altered in red and attached hereto.

(a) *In the Town of Thorold*

- (i) from O'Neill's Bridge to Lyndon Street an open channel approximately 16' wide and from Lyndon Street to Lock 25 an enclosed culvert approximately 5' 6" by 5' 6" inside dimensions.
- (ii) from Lock 25 to Lock 22 a completely enclosed culvert or pipe line portions of which to be approximately 5' 6" by 5' 6" and portions approximately 6' 0" by 6' 0", (all of which is to be at a new location as altered at the request of the Provincial Paper Co. Ltd. and as authorized in October and November, 1959.
- (iii) from Lock 22 to the northern limits of the Town of Thorold an enclosed culvert 6' 0" by 6' 0".
- (iv) that portion of the Townline crossing located in the Town of Thorold, consisting of an earth fill with a 7' by 14' concrete culvert for the passage of water.

(b) *In the Town of Merritton (now The Corporation of the City of St. Catharines as of January 1, 1961)*

- (i) from the southern limits of the Town of Merritton to Lincoln Avenue at the northern limits of the Town of Merritton, not including, however, the completely enclosed portion of the channel as referred to in subparagraph (ii) hereof, an open drain or channel of a clear width from twenty-four (24) feet to twenty-eight (28) feet, *such clear width to be measured from the toe of the slope on one side of the said drain or channel to the toe of the slope on the other side.*
- (ii) from Lock 17 to Lock 13 both inclusive, a completely enclosed culvert approximately 7' 0" by 7' 0"; provided, however, that nothing contained in this subparagraph (ii) shall obligate the Authority to undertake the construction of the culvert or pipeline as herein provided, or any portion thereof, unless and until the Corporation of the Town of Merritton (now The Corporation of the City of St. Catharines) shall have contributed and paid to the Authority the sum of Fifteen thousand dollars (\$15,000.00) towards the cost of the said culvert or pipeline.
- (iii) that portion of the Townline crossing located in the Town of Merritton (now The Corporation of the City of St. Catharines) and consisting of an earth fill with a 7' by 14' concrete culvert for the passage of water.

(c) *In the City of St. Catharines*

- (i) an open channel of a clear width of approximately 28' from Lincoln Avenue to Dick's Creek; an open channel of clear width of approximately 32' from Dick's Creek to Lock 4 at Chestnut Street; such clear width

to be measured in the manner as set out in subparagraph (i) of (b) above; and a three-cell concrete culvert from Lock 4 Chestnut St. to the fill at Ontario Street south.

- (ii) from the fill at Ontario Street south to the southerly limits of the Second Welland Canal reserve lands transferred and conveyed to the City of St. Catharines pursuant to clause 1 hereof, an open drain or passageway of a clear width of approximately thirty-two (32) feet, such clear width to be measured in the manner as set out in subparagraph (i) of paragraph (b) above.

"6. That the Authority will extend from O'Neill's Bridge to the Third Welland Canal and to Shriners Culvert, the construction of the storm water and industrial waste channel provided for in clause 5 hereof.

"7. That the Authority will undertake and complete the work of filling in the old pondage areas and the old waste weir channels and, subject to subparagraph (iv) of paragraph (a) and subparagraph (iii) of paragraph (b) of clause 5, of filling over the completely enclosed culvert or pipeline sections of the storm water and industrial waste channel, on the locations shown on the attached Plan, and, generally, to an elevation of one (1) foot higher than the top of the said storm water and industrial waste channel, all with suitable material and to the satisfaction of the local Superintending Engineer of the Authority, whose decision in the matter shall be final, except for two local areas in the Town of Merriton as shown on drawing 617 SK-33 of R. K. Kilborn and Associates Ltd., dated August 13, 1960, attached hereto, known as the areas east of the new culvert between Locks 15 and 17 and east of the new channel between Locks 12 and 13. The Authority will construct a 54' diameter concrete pipe sewer extension from the existing culvert under the Niagara, St. Catharines and Toronto Railway tracks east of Lock 13 to the new channel and two 36" diameter concrete sewer extension from the existing culvert under Oakdale Street at Clifford Creek to the new channel.

"8. That as from and after the expiration of one (1) year from the date of completion, *which has been accepted as being August 1, 1961* within the limits of each of the Corporations, of the work of construction of the said storm water and industrial waste channel as provided for in clause 5 hereof and of the fill as provided for in clause 7 hereof, the same shall be maintained, operated and kept in good condition of repair, in perpetuity, by the Corporations, each within its limits and at their own cost and expense."

- (2) By renumbering clause 6 of Agreement No. 50751 to read clause 9 and by deleting clause 7 of Agreement No. 50751 and substituting therefor the following clause:

"10. That pending the completion by the Corporations of the said work of construction of the interceptor sewer and by the Authority of the storm water and industrial waste channel, the Authority will divert, and the Corporations hereby agree to the passing thereof, in the said portion of the Second Welland Canal from O'Neill's Bridge in the Town of Thorold northerly to the junction in the City of St. Catharines of the Second Welland Canal with Twelve Mile Creek, a minimum flow of one hundred and fifty cubic feet per second (150 c.f.s.) of water, and the Authority

will operate, maintain and repair at its own cost and expense the gates, weirs, locks, channels and structures connected with the said portion of the Second Welland Canal, and, without limiting or restricting in any manner the generality of the provisions of clause No. 14 hereof, each Corporation shall, at all times, indemnify and save harmless Her Majesty and the Authority from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributable in any manner to the operation, maintenance and repair of the said gates, weirs, locks, channels and structures located within the Corporate limits of each municipality, provided that such claims and demands, loss, costs, damages, actions, suits or other proceedings are not attributable to or a result of the negligence of any servants of Her Majesty."

- (3) By deleting clause 8 of Agreement No. 50751 and substituting therefor the following:

"11. That, upon completion by the Authority of the said work of construction of the said storm water and industrial waste channel, the Authority, for purposes in connection with the operation of the said storm water and industrial waste channel, will divert from the Third Welland Canal and the Corporations shall accept and pass through the said storm water and industrial waste channel, in perpetuity, dilution water not in excess of fifty cubic feet per second (50 c.f.s.); provided that the Authority may, if considered necessary or desirable by the local Superintending Engineer of the Authority, divert for periodic flushing purposes dilution water up to an amount of one hundred and fifty cubic feet per second (150 c.f.s.)."

- (4) By deleting clauses 9, 10 and 11 of Agreement No. 50751.

- (5) By deleting clauses 14 and 15 of Agreement No. 50751 and substituting therefor the following:

"14. That each of the Corporations shall, at all times, indemnify and save harmless Her Majesty and the Authority from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings arising from causes or matters within the corporate limits of each, respectively, by whomsoever made, brought or prosecuted, in any manner based upon, occasioned by or attributable to the execution of this Agreement, including but without limiting the generality of the foregoing, claims based upon, occasioned by or attributable to the construction of the said storm water and industrial waste channel on any of the lands referred to in clause 1 hereof and which have or may be disposed of by any of the Corporations, respectively, the existence of the said storm water and industrial waste channel and the passage of sewage effluent therethrough, the construction by the Corporations of the said interceptor sewer, the maintenance, repair and operation by the Corporations of the said storm water and industrial waste channel, or to the default of the Corporation in such maintenance, repair and operation, whether the want of maintenance, repair or operation be the result of misfeasance or nonfeasance or otherwise howsoever, or any action taken or things done or maintained by virtue hereof, or the exercise in any manner of rights arising hereunder; provided this clause will not be effective *prior to August 1, 1962, being one (1) year from the date of completion, as agreed upon*, of the work of construction of the said storm water and industrial waste

channel within the limits of each Corporation, in respect of claims based upon, occasioned by or attributable to faulty or inadequate design or construction within such Municipality of the said storm water and industrial waste channel.

15. That it is understood and agreed by and between the parties hereto that nothing herein contained shall obligate the Authority to undertake the construction of the said storm water and industrial waste channel as herein provided, or any portion thereof unless and until the necessary funds have been voted by Parliament in that behalf.
16. That the Authority, its successors and assigns, and any of their servants or agents shall have the right, at all times, to enter upon the lands transferred and conveyed to the Corporation of the City of St. Catharines pursuant to this agreement and to construct, maintain, repair and operate thereon transmission and telephone lines for purposes of the Welland Ship Canal and also to maintain, repair and operate on such lands the existing transmission and telephone lines for purposes of the said canal, and for every such purpose the Authority, its successors and assigns, and any of their servants or agents shall have access to the said lands at all times.
17. That it is further agreed that where the Authority has been required by the Corporation of the Town of Thorold and the Corporation of the City of St. Catharines to prepare separate designs, plans, drawings, details and specifications for the said storm water and industrial waste channel in addition to the designs, plans, drawings, details and specifications prepared for the construction of the work provided in clause 5 of the Supplemental Agreement dated March 31st, 1959, and where, in order to incorporate the alternate proposals of the Corporations of the Town of Thorold and of the City of St. Catharines, separate tenders were called by the Authority for the construction of the said channel in accordance with said separate designs, plans, drawings, details and specifications, the Corporations of the Town of Thorold and the City of St. Catharines respectively, hereby undertake, promise and agree to reimburse *the Authority* the additional cost of the work of construction of the said channel in excess of the cost of construction of the said channel in the manner as provided in clause 5 of the said Supplemental Agreement dated March 31st, 1959, including the cost of preparation of the said separate designs, plans, drawings, details and specifications, such reimbursement to be made forthwith upon receipt by the said Corporations of accounts of the said additional cost, duly certified by the local Superintending Engineer of the Authority."
2. That for the purposes of this agreement, agreement No. 50751 shall be read as originally written and not as amended by agreement dated March 31st, 1959, and the last-mentioned agreement is rescinded as of the date of this agreement.

IN WITNESS WHEREOF the parties hereto have executed these Presents the day and year first above written.

[Plans attached on file with Clerk of Town of Thorold]

CHAPTER 145

An Act respecting the City of Toronto

Assented to May 8th, 1964
Session Prorogued May 8th, 1964

WHEREAS The Corporation of the City of Toronto, ^{Preamble}
 herein called the Corporation, by its petition has
 prayed for special legislation in respect of the matters herein-
 after set forth; and whereas it is expedient to grant the prayer
 of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. Section 4 of *The City of Toronto Act, 1960-61* is amended <sup>1960-61,
c. 137, s. 4,
amended</sup>
 by adding thereto the following subsections:

- (9) When a by-law has been passed in accordance with <sup>Levy of cost
against
other
defined areas</sup>
 subsection 1 and such by-law provides that the capital
 cost or any part thereof shall be levied against the
 lands in one or more defined areas, and the council
 is of the opinion that lands in any other defined
 area or areas have begun or may begin to derive a
 special benefit therefrom following the passing, sub-
 sequent to such levy, of a by-law or amendment to a
 by-law pursuant to section 30 of *The Planning Act*, <sup>R.S.O. 1960,
c. 296</sup>
 the council may by a further by-law, passed with the
 approval of the Ontario Municipal Board, levy
 charges against the lands in the last-mentioned area
 or areas of such amounts as would have been charged
 against the lands in the defined area or areas if the
 council had been of the opinion that the lands derived
 a special benefit therefrom at the time of the passing
 of the first-mentioned by-law.
- (10) The charge levied against each parcel of land ^{Idem}
 pursuant to subsection 9 shall be due and payable in
 equal annual instalments, commencing in the year
 next following the year in which the by-law imposing
 such levy was passed, and shall continue for such
 term of years as the charges were imposed by the

by-law

by-law passed under subsection 1, and shall be a lien upon the land and may be recovered in the same manner as real property taxes may be recovered.

Application
of charges

- (11) Where charges are levied under subsection 9, they shall be paid to the Corporation, and shall be paid into a special account, and shall be applied to the credit of any portion of the capital cost of the work assumed by the Corporation and to the principal and interest payments upon any debentures issued in respect of such portion, and any surplus shall be used for the purposes set out in subclauses ii and iii of clause *f* of paragraph 67 of section 377 of *The Municipal Act*, the provisions of which shall *mutatis mutandis* apply.

R.S.O. 1960,
c. 249

Application
of
subss. 3-5

- (12) The provisions of subsections 3, 4 and 5 shall *mutatis mutandis* apply to a levy made by a by-law passed pursuant to subsection 9.

Agreements
re sewage
works with
other
municipalities

2. The Corporation may, by by-law, authorize agreements with any other municipality for the construction, improvement, alteration, enlargement or extension of sewage works, either by the Corporation or by such other municipality, to service lands owned by the Corporation, and may provide for the payment of the cost thereof or for payment to such other municipality therefor of such amount as may be agreed upon.

Lease of
lands to
John Inglis
Co.

3. Notwithstanding section 10 of *An Act respecting the City of Toronto*, being chapter 86 of the Statutes of Ontario, 1903, the Corporation may demise and lease unto John Inglis Co., Limited, on such terms and conditions as may be agreed upon, any part of the lands in the Ordnance Reserve Plan bounded on the north by the Frederick G. Gardiner Expressway lands, on the south by Fleet Street, on the west by Strachan Avenue, and on the east by the west limit of Garrison Road, clear of and free from the restriction, contained in the said section, of the use of such lands to park or industrial exhibition purposes only.

Funeral
expenses of
late Mayor

4. The Corporation may reimburse Mrs. Donald D. Summerville in the amount of \$1,968.50 for the public funeral and burial expenses of her husband, the late Donald D. Summerville, Mayor of the City of Toronto.

Omission to
give tax
notices
confirmed
R.S.O. 1960,
c. 23

5. The omission of the Corporation and its officers, or any of them, to give the notice required by section 115 of *The Assessment Act* to any person liable, pursuant to By-law No. 21857 of the Corporation, being "A By-law To levy and collect further taxes for the year 1963 in the City of Toronto",

to business taxes on a business assessment of \$8,065 or less, and to collect the taxes levied by such by-law on any such assessment of \$8,065 or less, is hereby authorized and confirmed.

6. The Corporation may, by by-law, provide that the whole or any part of the special assessments falling due in the year 1964 or in any year thereafter, imposed by By-law No. 20931, passed on the 28th day of March, 1960, for payment of the owners' portion of the cost of the extension of Glenforest Road easterly from Ronan Avenue, as particularly described in Item No. 1 in Schedule "A" to such by-law, as a local improvement, shall be paid by the Corporation at large from year to year as the same fall due, and that the owners of the lands shall be relieved from such special assessments, or such part thereof as is paid by the Corporation, as the case may be.

Owners' share of special assessment assumed by City

7.—(1) The Corporation may, by by-law, guarantee payment of all sums of money owing to a mortgagee as the same fall due under a first mortgage of the whole or any part of Balmy Beach Park described in *An Act respecting the Town of East Toronto and Balmy Beach Park*, being chapter 50 of the Statutes of Ontario, 1903, made by The Board of Management of Balmy Beach Park constituted by the said Act, herein called the Board, where the principal amount of such mortgage does not exceed \$150,000, upon such terms and conditions as may be agreed upon.

Guarantee of mortgages made by Balmy Beach Park Board

(2) Where the Corporation guarantees a mortgage under subsection 1 and the Board fails to pay any sum or sums of money owing thereunder to the mortgagee as the same fall due, and such sum or sums are paid by the Corporation pursuant to such guarantee, the Corporation may by by-law declare the Board to be dissolved.

Dissolution of Board

(3) Upon the passing of a by-law pursuant to subsection 2, declaring the Board to be dissolved,

Idem

- (a) the Board shall forthwith be dissolved, and all rights, duties and functions thereof, resulting from or derived under the said Act, shall cease and determine; and
- (b) the title to the lands comprising Balmy Beach Park shall vest in the Corporation clear of all encumbrances, leases or rights of occupation, other than the said mortgage; and
- (c) all interest in any personal property, acquired by the Board pursuant to the said Act, shall vest in the Corporation; and

(d)

- (d) the general management, regulation and control of Balmy Beach Park, and of all properties, both real and personal, appertaining or belonging thereto, shall vest in the Corporation, and Balmy Beach Park shall thereafter be deemed to be a public park acquired, established and laid out by the Corporation pursuant to the provisions of *The Municipal Act*.

R.S.O. 1960,
c. 249

Restrictions
on use of
park

- (4) The Corporation may, in any by-law passed pursuant to subsection 2 or by a separate by-law, declare that the restriction of the use of Balmy Beach Park to all owners of property and persons residing on Plan 406 and their visitors and for the use of all persons residing in the Town of East Toronto and their visitors, as contained in section 2 of *An Act respecting the Town of East Toronto and Balmy Beach Park*, and any restriction of the right to use Balmy Beach Park to a particular class or classes of persons, contained in any registered instrument, shall cease and determine and be of no further effect.

1903, c. 50

Collateral
security

- (5) The Corporation may receive a chattel mortgage or chattel mortgages upon such terms as may be agreed upon from any person or corporation as collateral security for the guarantee referred to in this section.

Expendi-
tures
deemed for
purposes of
Corporation

8. The expenditure of money for any of the purposes authorized by this Act shall be deemed to be an expenditure for a purpose of the Corporation.

Grant to
Evelyn Tong
authorized

9. The Corporation may by by-law grant to Evelyn Tong, widow of Sergeant of Detectives Edmund Tong of the former police force of the City of Toronto, and to her children, or to any of them, pecuniary assistance in amounts not exceeding \$1,050 annually upon such terms and conditions as the council deems advisable, and any such grant may in the discretion of the council be retroactive to a time not earlier than the 1st day of January, 1962, it being the intention hereof that any such assistance granted hereunder shall be in addition to any assistance heretofore granted by the Corporation to Evelyn Tong and her children.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The City of Toronto Act, 1964*.

CHAPTER 146

An Act respecting the Township of Toronto

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the Township of Toronto, ^{Preamble}
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter set
forth; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Where farm lands containing not fewer than five acres ^{Exemption}
and used only for farm purposes were specially assessed prior ^{from special}
to January 1, 1964, with a special rate per foot frontage ^{rate for}
imposed under *The Local Improvement Act* in respect of the ^{waterworks}
owners' portion of the cost of construction of watermains, ^{re farm}
the owners of such farm lands are relieved of, and such farm ^{lands in}
lands are exempt from, the special assessments referable to ^{excess of}
such frontage in excess of 100 feet falling due in each year up ^{100 feet}
to and including 1963, provided such farm lands were used ^{R.S.O. 1960,}
only for farm purposes on the date the special assessments ^{c. 223}
were imposed.

2.—(1) Where farm lands referred to in section 1 continue ^{Idem}
to be used for farm purposes on and after January 1, 1964,
and contain not fewer than five acres, the Corporation shall,
by by-law or by-laws passed annually, relieve the owners of
such farm lands from the special assessments referable to such
frontage in excess of 100 feet falling due in such year, and such
part of the special assessments shall be paid by the Cor-
poration.

(2) The clerk shall forthwith notify by registered mail ^{Notice}
each person affected by the by-law as to what exemption is
provided for his lands by the by-law.

(3) Any person complaining that the by-law does not ^{Appeal}
sufficiently exempt him or his lands from the special assess- ^{against}
ments may, within fourteen days after the mailing of the ^{by-law}

notice,

notice, notify the clerk of the municipality of his intention to appeal against the provisions of the by-law, or any of them, to the court of revision, and an appeal may be had by the municipality or by the owner to the judge of the county court from any decision of the court of revision given or made, and the court of revision and the judge of the county court both have full power to alter or vary any or all of the provisions of the by-law and to determine the matter of the complaint in accordance with the spirit and intent of this Act.

Appeal
where no
by-law
passed

(4) If the council of the Corporation fails to pass the by-law before the 1st day of May in any year, any person affected may, on or before the 21st day of May in that year, notify the clerk of his intention to appeal to the judge of the county court, and the judge has full power to entertain the appeal and may make an order declaring what part, if any, of the lands of the person appealing is exempt or partly exempt from special assessment, and the clerk shall prepare or amend the collector's roll in accordance with the order.

Procedure
on appeals
R.S.O. 1960,
c. 23

(5) The provisions of *The Assessment Act* as to appeals from a court of revision to the county judge and as to the amendment of the assessment roll thereon shall, so far as applicable, regulate and govern the procedure to be followed on appeals under this section and the amendment of the by-law thereon.

Notice of
decision and
appeal

(6) The clerk shall cause notice of the decision on an appeal under this section to be given by registered mail to the appellant, and an appeal lies from the decision of the judge to the Ontario Municipal Board, which has the powers of the judge under this section, and the provisions of section 83 of *The Assessment Act* apply *mutatis mutandis* to the appeal.

1962-63,
c. 191,
repealed

3. *The Township of Toronto Act, 1962-63 (No. 2)* is repealed.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Township of Toronto Act, 1964*.

CHAPTER 147

**An Act respecting
the Lillian Frances Massey Treble Trust**

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS the Toronto Home Missions Council of the Preamble
United Church of Canada by its petition has represented that Lillian Frances Massey Treble, late of the City of Toronto in the County of York in the Province of Ontario, widow, died on or about the 3rd day of November, 1915, leaving a will, dated the 6th day of September, 1915, and a codicil thereto, dated the 9th day of October, 1915; that probate of such will and codicil was duly granted on the 13th day of January, 1916, by the surrogate court of the County of York to Chester Daniel Massey, Margaret Phelps Massey and National Trust Co. Ltd.; that, by clause 27 (2) of such will, the sum of \$50,000 was to be set aside, and is, in fact, held by National Trust Co. Ltd. as trustee, and that the net income thereof was directed "to be paid to the Methodist Union of the City of Toronto, to be applied to the payment of salaries of teachers and other necessary expenses of the training of young women without means and of children of the poor in household arts and sciences at The Fred Victor Mission Building in said City"; and that the Toronto Home Missions Council of the United Church of Canada, as the successor to the Methodist Union of Toronto, has, in fact, regularly received the income on such fund; and whereas the petitioner has prayed for special legislation to widen the terms of benefit so as to use the net income for the training of young women and children in household arts and sciences, including all related expenses, without regard to their means and at other locations, in addition to The Fred Victor Mission Building, in The Municipality of Metropolitan Toronto; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Toronto Home Missions Council of the United Use of
trust fund
Church of Canada is hereby authorized and empowered to use the net income arising from the trust fund under clause

27 (2) of the last will and testament of Lillian Frances Massey Treble, deceased, for the training of young women and children in household arts and sciences, including all related expenses, without regard to their means, and at other locations, in addition to The Fred Victor Mission Building, in The Municipality of Metropolitan Toronto.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Treble Trust Act, 1964*.

CHAPTER 148

An Act respecting Université d'Ottawa

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS Université d'Ottawa, herein called the Preamble
University, by its petition has represented that it was
originally incorporated by *An Act to incorporate The College
of Bytown*, being chapter 107 of the Statutes of the Province
of Canada, 1849; that its powers were further extended and
amended and its name changed by *An Act to change the name
of the College of Bytown, and to amend the Act incorporating
the same*, being chapter 108 of the Statutes of the Province of
Canada, 1861, *An Act to amend the Acts incorporating "The
College of Ottawa," and to grant certain privileges to the said
College*, being chapter 135 of the Statutes of the Province of
Canada, 1866, *An Act to Amend the Acts Incorporating the
College of Ottawa*, being chapter 91 of the Statutes of Ontario,
1885, *An Act to amend the Acts incorporating the College of
Ottawa*, being chapter 104 of the Statutes of Ontario, 1891,
and *The University of Ottawa Act, 1933*, as amended by *The* ^{1933, c. 106}
University of Ottawa Amendment Act, 1941 and *The University* ^{1941, c. 83}
of Ottawa Act, 1960-61, and that certain powers of expropria- ^{1960-61,}
tion were granted to the University by *The University of* ^{o. 138}
Ottawa Act, 1959, which powers of expropriation as to the ^{1959, c. 138}
lands described in Schedule B thereto are due to expire; and
whereas the petitioner has prayed that its powers of expro-
piation as to such lands be made permanent and that its
powers of expropriation be extended to cover certain other
lands, and has further represented that the purposes of the
University would be further promoted if the University were
granted the power to expropriate and hold such certain other
lands; and whereas the petitioner has further prayed for
special legislation in respect of the matters hereinafter set
forth; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Université d'Ottawa, also known as The University ^{Power of}
of Ottawa, shall have the power to enter upon, take, use and ^{expropria-}
tion

expropriate

expropriate the interest of the owner or of any other person, other than a municipal corporation, without the consent of such owner or other person, in any and all of the lands and premises described in the Schedule hereto, as the University may deem advisable for the use of, or for the future use and expansion of, the University.

Application
of 1962-63,
c. 43

(2) *The Expropriation Procedures Act, 1962-63* applies to the expropriation of lands and premises under this Act.

1959, c. 138,
s. 2,
repealed

2.—(1) Section 2 of *The University of Ottawa Act, 1959* is repealed.

1959, c. 138,
Sched. B,
repealed

(2) Schedule B to *The University of Ottawa Act, 1959* is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The University of Ottawa Act, 1964*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Ottawa, in the County of Carleton and Province of Ontario, and being composed of:

HENDERSON AVENUE

West Side:

Lots 1 to 10 inclusive, Registered Plan No. 15632. Lots 11 to 19 inclusive, Registered Plan No. 25223. Lots 19 to 21 inclusive, Registered Plan No. 31694. Lots 22 to 31 inclusive, Registered Plan No. 37219.

KING EDWARD AVENUE

East Side:

Lots 1 to 10 inclusive, Registered Plan No. 15632. Lots 11, 12, 13 and 14; The South half of Lot 15 and the whole of Lots 16, 17, 18 and 19, Registered Plan No. 25223. Lots 19 to 21 inclusive, Registered Plan No. 31694. Lots 22 to 31 inclusive, Registered Plan No. 37219.

West Side:

Lot 12; The South half of Lot 13 and the whole of Lots 15, 17 and 19 on Registered Plan No. 25223.

OSGOODE STREET

South Side:

Lot 7 and the Northerly 45 feet of Lots 9 and 10, Registered Plan No. 15632; the Southerly 50 feet of Lot 11, and the whole of Lots 12, 13 and 14, Registered Plan No. 25223.

CUMBERLAND STREET

East Side:

South half of Lot 11 and the South half of Lot 12; the Southerly 30 feet of Lot 13 and the North half of Lot 14; the South half of Lot 15; the Northerly 50 feet of Lot 16 and the whole of Lot 17 and the South half of Lot 18, Registered Plan No. 15632.

COLLEGE AVENUE

West Side:

Lots 11 and 12; the South half of Lot 13; Lots 14 and 15; the North half of Lot 16 and the South half of Lot 17, Registered Plan No. 15632.

East Side:

The North half of Lot 13 and the whole of Lots 14, 15, 16, 17, 18, 19 and 20, on the Registered Plan No. 25223.

SAVE AND EXCEPT thereout and therefrom any interest in any portion of the above-mentioned lands which might be vested in the Crown or in any Corporation representing or acting on behalf of the Crown, in the Corporation of the City of Ottawa, in the Ottawa Public School Board, or in the Ottawa Separate School Board, and Save and Except any present church properties.

CHAPTER 149

An Act respecting the City of Waterloo

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the City of Waterloo by ^{Preamble} its petition has represented that it is desirous of providing for the establishment of a Community Services Board for the better development and supervision of its public parks and recreational activities, and that for such purposes it is necessary to endow such Board with all the duties, responsibilities, powers and privileges of the Waterloo Recreation Committee established under *The Department of Education Act*, the ^{R.S.O. 1960, c. 94} commission to manage the Civic Auditorium established by ^{1939, c. 77} *The Town of Waterloo Act, 1939*, as amended by ^{1958, c. 163} *The City of Waterloo Act, 1958*, the community centres board established ^{R.S.O. 1960, cc. 60, 329} for the City of Waterloo under *The Community Centres Act*, and The Waterloo Board of Park Management established under *The Public Parks Act*; and whereas the petitioner has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the City of Waterloo;
- (b) "Corporation" means The Corporation of the City of Waterloo;
- (c) "Council" means the council of the City of Waterloo.

2.—(1) Notwithstanding *The Department of Education Act* ^{Community Services Board} and the regulations thereunder, *The Community Centres Act* and the regulations thereunder and *The Public Parks Act*, there shall be a board to be known as the Community Services Board, which shall consist of,

- (a) the mayor of the City;

(b)

(b) one alderman of the City appointed by the Council; and

(c) eight persons, appointed by the Council, who are resident in the City and qualified to be elected as members of the Council but who are not aldermen.

Term of
office

(2) The members of the Board who are not members of the Council shall hold office for two years, provided that, on the first appointment, the members shall hold office until the end of the year next following the appointment in which a general municipal election is to be held to elect members of Council.

Idem

(3) The members of the Board shall hold office until their successors are appointed and are eligible for reappointment.

Vacancies

(4) Where a member of the Board ceases to be a member before the expiration of his term, the Council shall appoint another qualified person for the unexpired portion of the term.

Quorum

(5) The majority of the members of the Board constitutes a quorum.

Chairman

(6) The Board shall elect a chairman and a vice-chairman from among the members of the Board, and, in the absence of the chairman, the vice-chairman shall preside at meetings of the Board.

Powers and
duties of
Board
R.S.O. 1960,
cc. 94, 60,
329

3.—(1) Except as otherwise provided in this Act, *The Department of Education Act* and the regulations thereunder, *The Community Centres Act* and the regulations thereunder and *The Public Parks Act*, except the provisions constituting a board of park management as a corporation and authorizing such a board to acquire and hold land, apply to the Community Services Board as if it had been established in accordance with such Acts and regulations.

Idem

(2) The Community Services Board has all the powers of the commission authorized to manage the Civic Auditorium under *The Town of Waterloo Act, 1939*.

1939, c. 77

Dissolution
of former
boards

4. When the Community Services Board is constituted,

(a) the Waterloo Recreation Committee, the Community Centres Board of the City, The Waterloo Board of Park Management and the commission to manage the Civic Auditorium are dissolved, and the assets and liabilities of such committee, commission and boards become the assets and liabilities of the City; and

(b)

(b) By-law No. 110 of the Town of Waterloo and By-laws Nos. 289, 1274 and 1539 of the City are repealed.

5. The Community Services Board may expend moneys <sup>Expenditure
by Board</sup> received from the Council only in accordance with the budget of the Board as approved from time to time by the Council and any funds received by the Board for a specific purpose may be used by the Board only for such specific purpose.

6. The Council may pay the members of the Community <sup>Remunera-
tion</sup> Services Board for their services annually such amount as the Council may determine, but such amount shall not exceed the annual amount allowed to the members of the Council.

7. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

8. This Act may be cited as *The City of Waterloo Act, 1964*. ^{Short title}

CHAPTER 150

An Act respecting the Township of York

*Assented to March 25th, 1964
Session Prorogued May 8th, 1964*

WHEREAS The Corporation of the Township of York, Preamble
herein called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Notwithstanding any general or special Act, the Composition
of council
council of the Corporation may, by by-law passed before the
first day of November in any year, provide that such council
shall be composed of a reeve, to be elected by general vote, and
two councillors, to be elected from each ward, and, notwith-
standing section 31 of *The Municipal Act* and section 151 of R.S.O. 1960,
cc. 249, 260
The Municipality of Metropolitan Toronto Act, a by-law for such
purpose does not require the assent of the municipal electors.

(2) Subsections 5 and 8 of section 31 of *The Municipal Act* Application
of
apply *mutatis mutandis* to this section. R.S.O. 1960,
c. 249

(3) Where a by-law is passed pursuant to subsection 1 and Board of
Control
the council of the Corporation by by-law has provided or
thereafter provides that there shall be a Board of Control in
the municipality, the council shall be composed of the coun-
cillers provided for in the by-law passed pursuant to sub-
section 1, together with the members of the Board of Control.

2. The council of the Corporation may, by by-law in any Special
grant
year, make a grant of a sum of money up to an amount equal
to the amount of taxes for general municipal purposes levied
against any land or building, used as a club house for veterans
of the naval, military or air forces of Canada or Great Britain,
for such time as the land or building is actually used for the
purposes of such club house, and the council may also by
by-law make a grant to any such club house of a sum of

money

money equal to the amount of taxes for local improvement and school purposes that may be overdue and unpaid in respect of such club house or land used in connection therewith for the purpose of paying such taxes.

Levy of
parking lot
cost against
defined area

3.—(1) A by-law of the council of the Corporation for acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked and for erecting buildings or structures for the parking of vehicles may provide, with the approval of the Ontario Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in one or more defined areas in the municipality that, in the opinion of the council, derive special benefit therefrom, and, in that case, the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area or areas.

Apportion-
ment of
cost

(2) The capital cost or part thereof chargeable to lands in the defined area or areas shall be apportioned in the same ratio as the assessment of each parcel bears to the total assessment of the parcels in the defined area or areas, or as the valuation for assessment of each parcel of land, exclusive of buildings, bears to the total valuation for assessment of all the parcels of land, exclusive of buildings, in the defined area or areas, or shall be charged at a special rate per foot frontage on the streets in the defined area or areas, exclusive of flankages.

Reduction
of charge

(3) Where the council is of the opinion that any parcel of land is not benefited from the establishment of the parking lot to the same extent as other parcels within the defined area, the council may, in the by-law levying the cost, exempt such parcel from the levy or make a reduction in the amount of the cost that would otherwise be levied against that parcel.

Notice

(4) Where the capital cost, or part thereof, is to be levied as provided herein, the council shall give notice of its application to the Ontario Municipal Board for approval of the by-law to the assessed owner of each parcel of land in the defined area or areas, and such notice shall include that part of the by-law that shows the portion of the cost levied against each parcel of land.

Commuta-
tion of
special rates

(5) The council may also, by general by-law or by a by-law applicable to the particular project, prescribe the terms and conditions upon which persons whose lots are specially charged may commute for a payment in cash the special rates imposed thereon.

(6) The charge levied against each parcel of land is payable in annual amounts over such number of years as the council may provide, and is a lien on such parcel and may be recovered in the same manner as real property taxes may be recovered. Recovery of charges

(7) The Ontario Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost, or part thereof, against a defined area or areas, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area or the total of the areas, as the case may be, is filed with the Board at or prior to the hearing of the application. Petition against

(8) There shall be an appeal to the court of revision constituted for the Township of York from any rate or charge or any exemption or reduction of any rate or charge under this section, and sections 43 to 51 of *The Local Improvement Act* shall apply *mutatis mutandis*. Appeal R.S.O. 1960, c. 223

(9) Where a by-law has been passed in accordance with subsection 1 and such by-law provides that the capital cost or any part thereof shall be levied against the lands in one or more defined areas, and the council is of the opinion that lands in any other defined area or areas have begun or may begin to derive a special benefit therefrom following the passing subsequent to such levy of a by-law or amendment to a by-law pursuant to section 30 of *The Planning Act*, the council may, by a further by-law passed with the approval of the Ontario Municipal Board, levy charges against such lands in the last-mentioned area or areas of such amounts as would have been charged against the lands in such defined area or areas if the council had been of the opinion that such lands derived a special benefit therefrom at the time of the passing of the first-mentioned by-law. Levy on subsequently benefiting lands R.S.O. 1960, c. 296

(10) The charge levied against a parcel of land pursuant to subsection 9 shall be due and payable in equal annual instalments, commencing the year next following the year in which the by-law imposing such levy was passed, and shall continue for such term of years as the charges that were imposed by the by-law passed under subsection 1, and shall be a lien upon the land and may be recovered in the same manner as real property taxes may be recovered. Term of annual instalments of special levy

(11) Where charges are levied under subsection 9, such charges shall be paid to the Corporation and shall be paid into a special account, and shall be applied to the credit of any portion of the capital cost of the work assumed by the Corporation and to principal and interest payments upon any Disposal of charges levied under subs. 9

debentures issued in respect of such portion, and any surplus shall be used for the purposes set out in subclauses ii and iii of clause *f* of paragraph 67 of section 377 of *The Municipal Act*, the provisions of which shall *mutatis mutandis* apply.

R.S.O. 1960,
c. 249

Application
of subss. 3-5

(12) The provisions of subsections 3, 4 and 5 shall *mutatis mutandis* apply to a levy made by a by-law passed pursuant to subsection 9.

Imposition
of rates in
neighbouring
municipality

(13) Where the council is of the opinion that any lands in one or more defined areas in a neighbouring municipality will derive special benefit from a by-law to be passed in accordance with subsection 1, the council may, with the consent of the council of such neighbouring municipality, provide in the by-law that a part of the capital cost shall be levied against such lands, and the provision of subsections 1 to 12 shall *mutatis mutandis* apply to such provision.

Certified
copy of
by-law to
be sent to
clerk of
neighbouring
municipality

(14) The clerk of the Corporation shall forthwith, after the passing of a by-law levying a special rate against lands in a neighbouring municipality pursuant to subsection 13, deliver or transmit by registered mail to the clerk of the neighbouring municipality a copy of the by-law, certified under his hand and the seal of the Corporation to be a true copy.

Collection
of rates in
neighbouring
municipality

(15) The rates required by the by-law to be levied and collected in any year upon land in a neighbouring municipality shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council.

Payment
over to
Township
of York

(16) The corporation of the neighbouring municipality shall pay to The Corporation of the Township of York the sums that are to be levied and collected in that year under subsection 15, and such payment shall be made on demand therefor at any time after the 14th day of December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

Payment
not to
relieve
land assessed

(17) Such payment does not relieve any land specially assessed from the special rate thereon, but it remains liable for the special rate until it is paid.

Use of
untravelling
portions of
highways

4.—(1) The Corporation is authorized and empowered to lease or license, for parking purposes, the use of untravelled portions of highways, within those portions of the Township of York zoned for commercial or industrial purposes, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

(2) The Corporation is authorized and empowered to pass ^{Idem} by-laws regulating and controlling the use of such portions of highways within the Township of York, including the use thereof for parking purposes.

(3) This section does not apply to the portions of any ^{Application to Metro-} highways that are under the jurisdiction of The Municipality ^{politan} of Metropolitan Toronto, except such portions as may be ^{Toronto and} designated by by-law of the Metropolitan Council, or that ^{provincial} are extensions or connecting links of the King's Highway ^{highways}.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The Township of York Act*, ^{Short title} 1964.

INDEX

Second Session, Twenty-Seventh Legislature 12-13 Elizabeth II, 1964

A

	PAGE
ACCIDENT CLAIMS	
<i>See</i> MOTOR VEHICLE ACCIDENT CLAIMS.	
ACCIDENT PREVENTION ASSOCIATIONS	
<i>See</i> WORKMEN'S COMPENSATION.	
AGRICULTURE	
<i>See</i> DEPARTMENT OF AGRICULTURE.	
FARM PRODUCTS GRADES AND SALES.	
FARM PRODUCTS MARKETING.	
JUNIOR FARMER ESTABLISHMENT.	
ONTARIO FOOD TERMINAL.	
ALCOHOLISM AND DRUG ADDICTION RESEARCH FOUNDATION	
Foundation, payment of expenses of members.	1
medical advisory board, payment of expenses of members.	1
remuneration of members.	1
ANATOMY	
what bodies within scope of Act, in part.	3
ANNULMENT OF MARRIAGE	
<i>See</i> MARRIAGE.	
APPLIANCES	
<i>See</i> ENERGY.	
APPRENTICESHIP AND TRADESMEN'S QUALIFICATION	
Act	
definitions.	5
offences.	10, 11
regulations.	11, 12
transitional provisions.	12
AGREEMENTS, FEDERAL-PROVINCIAL	
re apprentice or manpower training.	6
APPRENTICE	
defined.	5
effect of striking.	9
registration.	7, 8
when under 21 years of age.	10
APPRENTICESHIP CONTRACTS	
essentials.	9
registration.	10
rights of minors under.	10
termination.	10
transfer.	10
CERTIFIED TRADES.	8, 9

APPRENTICESHIP AND TRADESMEN'S QUALIFICATION— <i>Cont.</i>	PAGE
DIRECTOR	
appointment.....	5
defined.....	5
duties.....	6, 7, 11
powers, general.....	7
to appoint examiners.....	5
inspectors.....	7
local apprenticeship committees.....	6, 7
under special circumstances.....	7
EXAMINERS	
appointment.....	5
duties.....	5
payment.....	5
GOVERNMENT CONTRACTS.....	9
LIEUTENANT GOVERNOR IN COUNCIL	
may approve federal-provincial apprentice or manpower training	
agreements.....	6
designate trades as certified trades.....	8
direct payment of expenses and allowances of examiners.....	5
payment of expenses and allowances of members of provincial	
advisory committees.....	6
make regulations.....	11, 12
LOCAL APPRENTICESHIP COMMITTEES	
appointment.....	6
composition.....	6
function.....	6
MINISTER	
defined.....	5
may appoint provincial advisory committees.....	5, 6
enter into apprentice or manpower training agreements.....	6
to approve appointment of examiners.....	5
supervise Director.....	6, 7
PROVINCIAL ADVISORY COMMITTEES	
allowances.....	6
appointment.....	5, 6
composition.....	6
expenses.....	6
term of office.....	6
vacancies.....	6
ARMED SERVICES, TEACHERS FOR	
<i>See</i> DEPARTMENT OF EDUCATION.	
ASSUMPTION UNIVERSITY	
ACT	
provisions prevail where conflict.....	586
1953 provisions repealed.....	586
1956 provisions repealed.....	586
BOARD	
by-laws of.....	583, 584
composition of.....	582, 583
defined.....	579
management of University by.....	582
powers of.....	583
CHANCELLOR	
appointment of.....	584
defined.....	579
CORPORATION	
continued.....	580
defined.....	579

ASSUMPTION UNIVERSITY—*Continued*

PAGE

DEGREES

authority to confer.....	580
Chancellor to confer.....	584

PRESIDENT

appointment of.....	584
defined.....	579

PROPERTY

applications of statute of limitations to.....	581
application of, to objects.....	581
defined.....	579
liability to expropriation.....	581
power to acquire.....	581
tax exempt.....	581
trust, vested in University.....	581

REAL PROPERTY

defined.....	580
power to acquire.....	581

REGENTS

appointment of.....	584
defined.....	580

SENATE

composition of.....	584, 585
defined.....	580
powers of.....	585

TEACHING STAFF

appointment of.....	583
defined.....	580

UNIVERSITY

annual report of.....	586
arts faculty of.....	585
audit of accounts of.....	586
borrowing powers of.....	582
defined.....	580
investment of funds of.....	581, 582
members of, not individually liable.....	582
objects of.....	580
powers of.....	580

VICE-CHANCELLOR

President as.....	584
-------------------	-----

VICE-PRESIDENT

appointment of.....	584
---------------------	-----

ASSESSMENT

ASSESSOR

appointment prohibited where county assessor.....	14
---	----

COUNTY ASSESSOR

local assessor, as.....	14
-------------------------	----

COURT OF REVISION

district assessor, under.....	13
remuneration of members of.....	13

DISTRICT ASSESSOR

appointment of.....	15, 16
audit of books of.....	18
copy of, to municipalities.....	18, 19
budget of.....	18
appeal re.....	18
business assessment roll where.....	17

ASSESSMENT— <i>Continued</i>	PAGE
DISTRICT ASSESSOR— <i>Continued</i>	
cities, for.....	16, 17
court of revision under.....	13
equalization of assessment.....	19
grants re cost of.....	14
municipalities not to employ assessors where.....	17
payment of costs of.....	17, 18
powers and duties of.....	16
salary of.....	16
term of office.....	16
EQUALIZATION	
where county assessment commissioner.....	14, 15
NOTICE OF SALE	
address of owner to be ascertained by treasurer.....	20
registration of.....	20
to be sent to encumbrancer and owner.....	19, 20
REDEMPTION	
receipt of.....	20
STATEMENT OF VALUATIONS	
grants in lieu of taxes, re.....	13

B

BAILIFFS	
change of address.....	23
collection agency.....	23
Director, defined.....	23
replaces Inspector of Legal Offices.....	23
prosecutions, limitation.....	24
offence and penalty.....	23
BARRICADES	
<i>See</i> HIGHWAY IMPROVEMENT.	
BARRIE (CITY)	
grant to Y.M.-Y.W.C.A. authorized.....	587
BICYCLES	
<i>See</i> HIGHWAY TRAFFIC.	
BIRDS, HUNTING OF	
<i>See</i> GAME AND FISH.	
BOATS	
<i>See</i> ONTARIO WATER RESOURCES COMMISSION.	
BROCK UNIVERSITY	
ACCOUNTS	
audit of.....	595
ANNUAL REPORT.....	595
BOARD	
chairman of.....	591
composition of.....	590
defined.....	589
eligibility of staff as members of.....	591
powers of.....	591
provisional.....	590

BROCK UNIVERSITY—*Continued*

PAGE

CHANCELLOR

defined 589
 election of 593

CHARTER CORPORATION

dissolved 590

DEGREES

power to grant 590

FACULTIES AND SCHOOLS

establishment of 590

PRESIDENT

appointment of 592
 chief executive officer 593
 defined 589
 powers of 593

PROPERTY

acquisition of 593
 application of 594
 Charter Corporation of 590
 defined 589
 vested in University 594

REAL PROPERTY

application of statute of limitations to 594
 defined 589
 liability of, to expropriation 594
 tax exemption 594

SENATE

composition of 592
 defined 589
 powers of 592

TEACHING STAFF

defined 589
 religious tests not required of 593

UNIVERSITY

annual report of 595
 audit of accounts of 595
 borrowing powers of 595
 defined 589
 expropriation powers of 594
 incorporated 590
 investment of funds of 594
 objects of 590
 power of affiliation 595
 of, to acquire property 593
 property vested in 590

VICE-CHANCELLOR

President as 593

VICE-PRESIDENT

appointment of 593

BROKERS

See MORTGAGE BROKERS.
 REAL ESTATE AND BUSINESS BROKERS.

BUILDINGS, REPAIRING

See MUNICIPAL.

	PAGE
BULLIED (WALLACE AND NORAH) RELIEF	
Act, registration of	26
Bullieds, sum payable by	25, 26
Gerrard Schardt, rights of	25
register, entries expunged in	26
sale set aside	25
tax deed set aside	25
sale notice set aside	25
BUSINESS BROKERS	
<i>See</i> REAL ESTATE AND BUSINESS BROKERS.	
C	
CANADIAN RED CROSS SOCIETY, GRANT TO	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
CHILDREN	
<i>See</i> DAY NURSERIES.	
INDUSTRIAL SAFETY.	
MATERNITY BOARDING HOUSES.	
MOTHERS' ALLOWANCES.	
ONTARIO HURRICANE RELIEF.	
SCHOOLS ADMINISTRATION.	
CHIMNEY REPAIRMEN, LICENSING AND REGULATING	
<i>See</i> MUNICIPAL.	
CHRISTMAS TREES	
<i>See</i> FARM PRODUCTS GRADES AND SALES.	
CLARKE, DR. C. W., INSTITUTE OF PSYCHIATRY	
<i>See</i> ONTARIO MENTAL HEALTH FOUNDATION.	
CLOSING HOURS, SHOPS	
<i>See</i> MUNICIPAL.	
COCHRANE (TOWN)	
fixed assessment authorized	597
COLLECTION AGENCIES	
ADVISORY BOARD	
appointment	30
duties	30
quorum	30
APPEAL TO COURT OF APPEAL	
counsel	36
order	36
procedure	36
right to	36
ASSETS	
bonding	34
dealing in, prohibited	33, 34
COUNSEL AT HEARINGS	36
DIRECTOR	
certificate of, as evidence	37
defined	29
replaces Superintendent	29, 31
EVIDENCE	
certificate of Director as	37

COLLECTION AGENCIES—*Continued*

PAGE

INVESTIGATION

by Attorney General.....	32
Director.....	31, 32
information confidential.....	31
of complaints re business practices.....	31
powers re.....	32
report.....	33

LICENCES

collectors'.....	29
expiration.....	30
issuance and renewal.....	29, 30
reasons for decisions re.....	30, 35
suspension and cancellation.....	30

NOTICES

of appeal.....	36
decision on review.....	35
Registrar's decision.....	34, 35
review.....	35
service of.....	31

PROSECUTIONS

consent of Attorney General.....	37
limitation.....	37
offences and penalties.....	36, 37

REASONS FOR DECISIONS.....

30, 35

REGISTRAR

defined.....	29
duties.....	29, 30
review of decision of, by Director.....	35

REVIEW BY DIRECTOR

duties and powers of Director.....	35
notice of decision.....	35
procedure.....	35
reasons for decision.....	35
right to.....	35

SERVICE BY MAIL

address for.....	31
------------------	----

COLLEGES

See HURON COLLEGE.

COMMISSIONERS FOR TAKING AFFIDAVITS

commission, limitation to be stated in.....	40
corporation officials.....	39, 40
<i>ex officio</i> commissioners.....	39
method of signing.....	40
registrars of deeds to act as.....	454, 455

CONVEYANCING AND LAW OF PROPERTY

Imperial Statutes on certain land tenures, application of, in Ontario...	41
reversions, purchases of.....	41

CORPORATIONS

auditor's report.....	43
corporations without share capital,	
charitable, notice of meetings of members.....	43, 44
officers, appointment or election.....	45
head office, change of, by change in municipal boundaries.....	45
insurance corporations,	
investment of funds, prohibitions and restrictions as to, exceptions..	44
name, special provisions as to use of, repealed.....	44
name, use of, in any form or language.....	43
revival of corporate existence.....	45, 46
termination of existence on default in filing returns.....	45

	PAGE
CORPORATIONS TAX	
Act, application of.....	55-57
payments, dates of.....	55
returns, etc.....	54, 55
taxable income, computation.....	49-54
where corporation has degree of Canadian ownership.....	47-49
COUNCIL OF CATHOLIC CHARITIES, GRANT TO	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
COUNTY COURTS	
taxation of costs on Supreme Court scale.....	59
appeals from.....	59, 60
COUNTY JUDGES	
appointment of additional judges.....	61
COURTS	
<i>See</i> COUNTY COURTS.	
DIVISION COURTS.	
JUVENILE AND FAMILY COURTS.	
CREDIT UNIONS	
Director replaces Superintendent.....	63, 66-68
guarantee fund.....	65, 66
negotiable orders.....	64
overdrafts.....	65
real estate, power to hold.....	63
transfers from share accounts to deposit accounts.....	65
CROWN ATTORNEYS	
Crown attorneys at large.....	69
part-time assistant Crown attorneys as counsel for accused persons....	69
CROWN TIMBER	
forest management, plans.....	72-74
licences to cut, areas to be stated.....	72
renewal of.....	71, 72
mill licence.....	74, 75
penalties, minimum decreased.....	75
productive lands, defined.....	71
professional forester, defined.....	71
scaler's licence.....	74
CUSTODY OF DOCUMENTS	
references in other Acts.....	77
repeal of Act.....	77
D	
DAY NURSERIES	
day nursery, defined.....	79
mother, defined.....	80
DEPARTMENT OF AGRICULTURE	
veterinary fund, grants to.....	81
water, guarantee of loans re.....	81, 82
DEPARTMENT OF EDUCATION	
armed services, selection of teachers for schools of.....	83, 84
attendance at school, effect on, of discontinuation of class work.....	83
unavoidable absence.....	83
civilian instructors, pensions for.....	84
retarded children, grants re education of.....	84
scholarships, regulations re.....	84
text-books, regulations re selection of.....	84

DEPARTMENT OF ENERGY AND RESOURCES MANAGEMENT	PAGE
<i>See</i> DEPARTMENT OF ENERGY RESOURCES.	
DEPARTMENT OF ENERGY RESOURCES	
name of Act changed.....	85
Department changed.....	85
Minister changed.....	85
staff, appointment of.....	85, 86
DEPARTMENT OF MUNICIPAL AFFAIRS	
fees for registrars, provisions repealed.....	88
general inquiry.....	87
powers of Department as result of.....	87
redemption certificate, signed by treasurer.....	88
tax arrears certificate, signed by treasurer.....	87, 88
vacating certificate, signed by treasurer.....	89
DEPARTMENT OF TOURISM AND INFORMATION	
<i>See</i> DEPARTMENT OF TRAVEL AND PUBLICITY.	
DEPARTMENT OF TRAVEL AND PUBLICITY	
annual report.....	91, 92
name of Act changed.....	91
Department changed.....	91
Minister changed.....	91
DEPARTMENT OF UNIVERSITY AFFAIRS	
advisory bodies, appointment of.....	93
Department, defined.....	93
established.....	93
expenses of.....	94
staff of.....	93
Deputy Minister, appointment of.....	93
Minister, assignment of Acts to.....	93
defined.....	93
Ontario Universities Capital Aid Corporation, capital expenditures of universities financed through.....	94
DETOUR SIGNS	
<i>See</i> HIGHWAY IMPROVEMENT.	
DIVISION COURTS	
appealable cases.....	96
counsel fee.....	95, 96
evidence taken in shorthand.....	95
DIVORCE	
<i>See</i> MARRIAGE.	
DOCUMENTS	
<i>See</i> CUSTODY OF DOCUMENTS.	
DOWER	
registration of orders.....	97
fee for, provision repealed.....	97
DRUG ADDICTION	
<i>See</i> ALCOHOLISM AND DRUG ADDICTION RESEARCH FOUNDATION.	

E

EDUCATION
<i>See</i> BOARD OF EDUCATION OF CITY OF LONDON.
COLLEGES.
PUBLIC SCHOOLS.
SCHOOLS ADMINISTRATION.
SECONDARY SCHOOLS AND BOARDS OF EDUCATION.
TOWNSHIP SCHOOL AREA OF TOWNSHIP OF ERIN.
UNIVERSITIES.

EMERGENCY MEASURES

See ENERGY.

ENERGY

APPLIANCES

buying, selling, installing, repairing, servicing, removing, connecting...	104, 105
defined.....	99
inspection.....	105
tagging.....	102, 103

BOARD

defined.....	99
orders of, inspectors may enforce.....	102
reference of gas storage applications.....	104
references re licences, permits, registrations.....	106, 107

CHIEF INSPECTORS

appeals to.....	103
appointment of.....	103
powers of.....	103

CONFLICT OF LAW.....

111

EMERGENCY MEASURES

powers of Minister.....	105
-------------------------	-----

INSPECTORS

appointment.....	100
defined.....	99
instructions.....	102
no personal liability.....	102
not compellable witnesses.....	102
powers of.....	100, 101
tagging.....	102, 103

LICENCES

for well drilling or boring machine.....	103
granting of.....	106
renewal of.....	106
suspension, revocation.....	106, 107
to conduct explorations for gas or oil.....	103
produce gas or oil.....	103
transfer liquefied petroleum gas.....	104
transmit or distribute fuel oil.....	104
gas.....	104

LIEUTENANT GOVERNOR IN COUNCIL

power to make regulations.....	110, 111
--------------------------------	----------

MINISTER

defined.....	99
may permit inspectors to give evidence.....	102
power to issue emergency orders.....	105
refer gas storage application to Board.....	104
powers as to licences, permits and registrations.....	106, 107

OFFENCES.....

105, 106

PERMITS

to bore, drill or deepen well.....	104
store gas.....	104

REGULATIONS

codes, adopting of, by reference.....	111
drilling and production.....	107, 108
general.....	109, 110
labels, use of.....	111
safety standards.....	110
scope.....	111
transmission and distribution.....	108, 109

WORK

defined.....	101
tagging.....	102, 103

ENERGY BOARD	PAGE
<i>See</i> ONTARIO ENERGY BOARD.	
ENERGY RESOURCES	
<i>See</i> DEPARTMENT OF ENERGY RESOURCES.	
ERIN TOWNSHIP SCHOOL AREA	
land, conveyance of, free of trusts.....	601
proceeds of sale of.....	601
sale of, authorized.....	600
ESTATES	
<i>See</i> TRUSTEE.	
EXECUTIVE COUNCIL	
names of ministers brought up to date.....	113
EXPRESSWAYS	
<i>See</i> HIGHWAY IMPROVEMENT.	
EXTRA-JUDICIAL SERVICES	
annual compensation increased.....	115

F

FACTORY, SHOP AND OFFICE BUILDING	
Act repealed.....	184
FARM PRODUCTS GRADES AND SALES	
Christmas trees.....	117
FARM PRODUCTS MARKETING	
designation of association of producers, petition for.....	119
recommendation by Board for.....	119
producers deemed licence holders.....	121
records, inspection of.....	121
regulations.....	120
FEDERATED COLLEGES OF THE DEPARTMENT OF AGRICULTURE	
<i>See</i> UNIVERSITY OF GUELPH.	
FEMALE REFUGES	
repeal of Act.....	123
FIRE-ARMS	
<i>See</i> GAME AND FISH.	
FIRE DEPARTMENTS	
arbitration.....	126, 127
bargaining.....	125, 126
budgeting for unconcluded agreement.....	127
discharge procedure.....	125
recall in emergency.....	125
FIRE SAFETY	
<i>See</i> HOTEL FIRE SAFETY.	
FISH, TRAFFICKING IN	
<i>See</i> GAME AND FISH.	
FOOD TERMINAL	
<i>See</i> ONTARIO FOOD TERMINAL.	
FOREST MANAGEMENT	
<i>See</i> CROWN TIMBER.	
FREEWAYS	
<i>See</i> HIGHWAY IMPROVEMENT.	

G

	PAGE
GAME AND FISH	
birds, hunting of.....	132
fire-arm, defined.....	129
fish, no traffic in certain.....	132
game, possession of, hunted illegally.....	132
hunting, re-defined.....	129
licences, in blank.....	131
issuers of.....	131
refund of fees for.....	131
live game kept in captivity.....	133
municipal, licensing by-laws, repeal of.....	131
raccoon hunting, type of fire-arm that may be used may be prescribed.....	130
regulations, power to make, enlarged.....	133, 134
set-gun, use of, prohibited in hunting game.....	131
GAS	
<i>See</i> ONTARIO ENERGY BOARD.	
GAS STORAGE AREAS	
<i>See</i> ONTARIO ENERGY BOARD.	
GASOLINE HANDLING	
Minister re-defined.....	135
GASOLINE TAX	
information, communicating of.....	137, 138
to be secret.....	137
rate of tax increased.....	137
GOOD SHEPHERD REFUGE	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
GUELPH UNIVERSITY	
<i>See</i> UNIVERSITY OF GUELPH.	

H

HAMILTON (CITY)	
boards of commissioners of police,	
transfer of jurisdiction of, to council.....	605
by-laws, approval of Municipal Board required.....	603
authority of council to pass.....	603
previous, effect of lack of approval re.....	603, 604
chimney-repair men, licensing and regulating.....	605
market, regulation of.....	604, 605
Municipal Act, application of Part XXI.....	605
HEALTH	
<i>See</i> PUBLIC HEALTH.	
HIGHWAY IMPROVEMENT	
barricades and detour signs, on King's Highway.....	139
roads.....	141
suburban roads commissions, equalization of contributions.....	139, 140
tertiary roads, designation of.....	139
township roads, amount of subsidy.....	140
urban areas, expressways and freeways.....	141
HIGHWAY TRAFFIC	
ARREST	
police, by, motorcycle without plates.....	148, 149
BICYCLES	
prohibition of, on highways.....	148

HIGHWAY TRAFFIC—*Continued*

PAGE

ENGINE FUMES	
penalty for escape of.....	144
EXAMINATION	
vehicle, of.....	144
MARKINGS ON HIGHWAYS	
regulations re.....	148
MIRRORS	
required.....	144
MOTOR VEHICLE	
impounding of.....	149, 150
NUMBER PLATES	
motorcycles without.....	148, 149
seizure of, where vehicle unsafe.....	144
PEDESTRIAN CROSSOVER	
defined.....	143
duties of drivers.....	145
pedestrians.....	146
municipal by-laws re.....	146
PENALTIES	
pedestrian crossover, re.....	146
refusal to submit vehicle to examination.....	144
RAILWAY CROSSING	
vehicles required to stop at.....	147
ROADWAY	
moving from one to other.....	147
SIGNAL LIGHTS	
erection of	146, 147
SPEED LIMITS	
increase of, in urban municipalities.....	144
SUSPENSION OF LICENCE	
re offences under Act.....	148
URBAN AREA	
definition repealed.....	143
speed limits in, provision repealed.....	144, 145

HOLIDAY, PAYMENT FOR WORK ON

See INDUSTRIAL STANDARDS.

HOMES FOR SPECIAL CARE

ACT	
administration.....	151
expenses of.....	153
interpretation of.....	151
regulations under.....	152, 153
HOMES FOR SPECIAL CARE	
approval of.....	151
defined.....	151
establishment.....	151
grants to.....	151
law governing.....	152
licensing of.....	152
regulations for.....	152, 153
residents of, payments re.....	152

HOMES FOR SPECIAL CARE— <i>Continued</i>	PAGE
LIEUTENANT GOVERNOR IN COUNCIL	
may approve places as homes.....	151
designate provisions applicable to homes.....	152
establish homes.....	151
make regulations.....	152, 153
name homes.....	151
MINISTER	
defined.....	151
may license homes.....	152
make grants to homes.....	151
pay for home care.....	152
responsible for administration.....	151
RESIDENT	
defined.....	151
payments for care of.....	152
HOSPITALS	
<i>See</i> PUBLIC HOSPITALS.	
RIVERDALE HOSPITAL.	
ROSS MEMORIAL HOSPITAL.	
HOSPITALS TAX	
information, communication of.....	156
penalty for failure to complete.....	155
to be secret.....	156
exemption from tax extended.....	155
tax changed.....	155
HOTEL FIRE SAFETY	
hotel, re-defined.....	157
inspector, re-defined.....	157
HOURS OF WORK AND VACATIONS WITH PAY	
agreements as to work period.....	160
eating periods.....	160
woman, defined.....	159
work period.....	159
young person, defined.....	159
extension of work period.....	160
minimum pay.....	160
work period.....	159
HOUSING	
<i>See</i> ONTARIO HOUSING CORPORATION.	
HOUSING STANDARDS COMMITTEE.	
<i>See</i> PLANNING.	
HURON COLLEGE	
Chairman of Corporation.....	607
Executive Board, Chairman of.....	608
composition.....	608
filling of vacancies on.....	608
Secretary of.....	609
HURRICANE RELIEF	
<i>See</i> ONTARIO HURRICANE RELIEF.	

I

INCOME TAX	
application of Act.....	163
liability for tax, farmers and fishermen, averaging for.....	161-163
INDIGENTS, HOSPITALIZATION FOR	
<i>See</i> MUNICIPAL UNCONDITIONAL GRANTS.	

	PAGE
INDUSTRIAL FARMS	
transfer of prisoners.....	165
INDUSTRIAL SAFETY	
ADOLESCENTS	
employment of.....	179
BUILDINGS	
application for approval.....	176
approval of drawings and specifications.....	175, 176
specifications.....	176
construction or reconstruction of.....	175, 176
preliminary approval.....	176
CERTIFICATE	
appointment, of.....	171
registration, of.....	177
CHIEF INSPECTOR	
powers on investigation.....	172
CHILD	
defined.....	167
onus of proof as to age.....	183
CHILDREN	
employment of.....	179
14 years of age.....	179
parental consent.....	179
proof of.....	179
CROWN	
defined.....	167
municipalities deemed owners.....	169
DANGEROUS MACHINERY	
affixing notice prohibiting use.....	173
DESIGNATION	
factories, shops, offices or office buildings, of.....	169
DIRECTIONS	
appeal from direction.....	173
inspector, by, where safety endangered.....	173
oral directions requested in writing.....	173
notice of appeal.....	173
varying, rescinding or confirming by chief inspector.....	173
EMPLOYEES	
persons deemed to be.....	178
EMPLOYER	
defined.....	167
keeping of register of homework given out to homeworkers.....	182
permits to give out work to be done at home.....	181
person deemed to be.....	178
safety of employees.....	177
ENGINEER OF THE DEPARTMENT	
defined.....	167
FACTORIES	
where places deemed as such.....	170
FACTORY	
defined.....	167
when not deemed to be part of.....	178
HOMEWORK	
defined.....	168

INDUSTRIAL SAFETY—*Continued*

PAGE

HOMEWORKERS

inspection of premises.....	182
permits to do work for companies in their home.....	182
prescribing forms in connection with homework.....	182
revocation of permit.....	182

INDUSTRIAL ESTABLISHMENT

defined.....	168
when chief inspector deems to be separate establishment.....	171

INJUNCTION PROCEEDINGS.....	182, 183
-----------------------------	----------

INSPECTOR

appointment of.....	171
confidential information re manufacturing process or trade secret.....	174
co-operation by owner and employer.....	172
defined.....	168
directions by inspector where non-compliance with Act or regulations.....	172
entry to dwellings.....	172
evidence in civil suit.....	174
obstruction of.....	172
powers of.....	171, 172
approvals, re.....	173
samples obtained for inspection.....	172

LESSEE

duty of.....	178
--------------	-----

MACHINES

devices, unsafe equipment.....	178
operation.....	178

MINISTER

defined.....	168
--------------	-----

NOTICE OF OCCUPATION OF FACTORY

notifying chief inspector.....	176, 177
--------------------------------	----------

NOTICES

defacing of.....	174
name and address of inspector.....	174
posting of.....	174

OFFENCE

continuing.....	183
false entries in register, notice, certificate, plan specification.....	183
limitation on prosecution.....	184
name of employer in an information for.....	183
penalties for failure to comply with Act or regulations.....	183
persons other than employer, by.....	183

OFFICE

defined.....	168
--------------	-----

OFFICE BUILDING

defined.....	168, 169
--------------	----------

OWNER

defined.....	169
--------------	-----

PARENT

defined.....	169
--------------	-----

PERMITS

revocation by Minister.....	177
-----------------------------	-----

REGISTRATION CERTIFICATE.....

177

REGULATIONS

defined.....	169
making by Lieutenant Governor in Council.....	179

INDUSTRIAL SAFETY—*Continued*

PAGE

SAFETY

defined.....	169
safety precautions.....	178
when safety deemed endangered.....	177, 178

SHOP

defined.....	169
--------------	-----

SUMMONS

notices, etc., proof of mailing.....	175
serving of notices, etc.....	175

TAGGING OUT MACHINES

affixing notice prohibiting use.....	173
--------------------------------------	-----

UNSAFE EQUIPMENT

sale of.....	179
--------------	-----

WAGES

defined.....	169
--------------	-----

INDUSTRIAL STANDARDS

ACT

administration of, by Director of Labour Standards.....	185
removed from Industry and Labour Board.....	185

ACTS

application of other.....	193
---------------------------	-----

ADMINISTRATOR OF INDUSTRIAL STANDARDS

designation of officer of Department of Labour as.....	185
may perform duties and exercise power of Director.....	185

ADVISORY COMMITTEE

appeal from.....	191
members.....	190
quorum.....	190
remuneration.....	190

COMPENSATION FOR WRONGFUL DISCHARGE

order re, appeal from.....	192
enforcement.....	192

DIRECTOR

defined.....	185
--------------	-----

DIRECTOR OF LABOUR STANDARDS

administration of Act by.....	186, 187
appeals to.....	191
appointment of.....	185
certificate of, as evidence.....	189
consent of, to prosecution.....	191, 192
direction of, for payment of arrears of wages.....	186
disposition of fines by.....	191

DOCUMENTS

method of sending or serving.....	189
-----------------------------------	-----

EMPLOYEE

defined.....	185
--------------	-----

EVIDENCE

admissibility of Director's certificate as.....	189
---	-----

HOLIDAY

payment for work on.....	187
--------------------------	-----

INDUSTRIAL STANDARDS—*Continued*

PAGE

INDUSTRIES

designation.....	186
amendment of.....	186

INTIMIDATION.....	192
-------------------	-----

MINIMUM WAGE

order for payment.....	191
enforcement.....	191

OFFENCES AND PENALTIES

contravening schedule, by employee.....	191
employer.....	191
general.....	192

OVERTIME WORK

permits for.....	190
------------------	-----

RECORDS

extracts from.....	189
inspection of.....	188
to be kept by employer.....	188

REINSTATEMENT AFTER DISCHARGE

order for.....	192
appeal from.....	192
enforcement of.....	192

SCHEDULES

amendment of.....	186, 187
approval by Minister.....	188
contents.....	187
declared in force.....	188
not applicable to agriculture or mining.....	193
submission by conference.....	187

VACATIONS WITH PAY.....	187
-------------------------	-----

WAGES

apprentices'.....	193
arrears, payment of.....	186
defined.....	185
minimum, penalty for non-payment.....	191
prescribed by other Acts.....	193

ZONES

designation.....	185
amendment of.....	185

INSTITUTE OF PSYCHIATRY, DR. C. K. CLARKE

See ONTARIO MENTAL HEALTH FOUNDATION.

INSURANCE

acting Superintendent.....	195
audit.....	196, 197
certificate of motor vehicle insurance, form of.....	197
failure of agent to remit premium to insurer.....	198
reference to Department of Insurance deleted.....	195-198
statistical returns.....	196
Superintendent, appointment.....	195
duties.....	195

INSULIN

See PUBLIC HEALTH.

INVESTIGATION OF TITLES

repeal of Act.....	201
--------------------	-----

ITALIAN FLOOD RELIEF

See MUNICIPALITY OF METROPOLITAN TORONTO.

J

JAILS	PAGE
<i>See</i> PENAL AND REFORM INSTITUTIONS INSPECTION.	
JUDGES	
<i>See</i> COUNTY JUDGES.	
JUVENILE AND FAMILY COURTS.	
JUNIOR FARMER ESTABLISHMENT	
amount of maximum loan increased.....	203
JURORS	
drafting of jury panel, notice as to.....	205
JUVENILE AND FAMILY COURTS	
judges, appointment.....	207
direction of staff.....	208
retirement.....	207
salary.....	208
senior judges, appointment.....	207
direction of staff.....	208

K

KILLARNEY RECREATIONAL RESERVE	
name changed to North Georgian Bay Recreational Reserve.....	211

L

LABOUR RELATIONS	
conciliation, power to grant, transferred from Labour Relations Board to Minister of Labour.....	213-219
exclusive bargaining agent, voluntary recognition by an employer of a union as.....	213-215
post-conciliation proceedings, protection of.....	217, 218
LAND TITLES	
<i>See</i> INVESTIGATION OF TITLES.	
LAW REFORM COMMISSION	
<i>See</i> ONTARIO LAW REFORM COMMISSION.	
LAW SOCIETY	
Compensation Fund, costs of administration.....	221
<i>ex officio</i> benchers.....	221
reports, agreements for printing and publishing.....	221
LEGISLATIVE ASSEMBLY	
advance of part of earned indemnity.....	223
LICENCES TO FISH AND HUNT	
<i>See</i> GAME AND FISH.	
LILLIAN FRANCES MASSEY TREBLE TRUST	
use of trust funds.....	739, 740
LOANS	
<i>See</i> JUNIOR FARMER ESTABLISHMENT.	
ONTARIO LOAN.	

LOCAL ROADS BOARDS	PAGE
ACT	
application of.....	225
moneys required for.....	236
ANNUAL LEVY.....	231, 232
AUDIT	
accounts of board.....	234
BOARD	
annual meeting of.....	228
chairman at.....	228
audit of accounts of.....	234
chairman of.....	227
defined.....	225
dissolution of.....	230
duties of.....	227, 228
establishment of.....	227
first meeting of.....	227
liability of, for damages.....	230
moneys credited to.....	234
expenditure of.....	234
CONSOLIDATED REVENUE FUND	
moneys received by Minister paid into.....	234
FINANCIAL STATEMENT	
preparation of, by Minister.....	229
FORFEITURE	
certificate of.....	235
costs on, regulations re.....	236
declaration of.....	235
easement, of.....	235
error in.....	235, 236
notice of.....	234, 235
FORMS	
regulations re.....	236
HIGHWAY IMPROVEMENT ACT	
powers of Minister under.....	234
LAND	
assessment of.....	231
regulations re.....	236
defined.....	225
forfeiture of.....	234, 235
in error.....	235, 236
levy against.....	231, 232
taxable.....	231
LAND TITLES ACT	
application to forfeited land.....	235
LOCAL ROADS AREA	
alteration of boundaries of.....	229
defined.....	225
dissolution of.....	230
establishment of.....	226, 227
meetings to establish.....	226
MINISTER	
defined.....	225
dissolution of board and area by.....	230
expenditure of moneys by.....	234
financial statement sent by.....	229
notification of, re alteration of area.....	230
dissolution of area.....	230
order of, establishing area.....	227
powers of, under <i>The Highway Improvement Act</i>	234

LOCAL ROADS BOARDS—*Continued*

PAGE

NOTICE	
alteration of boundaries of area, re.....	229
OWNER	
annual meeting, when called by.....	229
defined.....	225
expenses of, in calling meeting.....	229
PENALTIES	
action to recover.....	233
unpaid taxes on.....	232
PRESCRIBED	
defined.....	225
REGISTER	
defined.....	225
secretary-treasurer to keep.....	232
REGISTRY ACT	
application to forfeited land.....	235
REGULATIONS	
authority to make.....	236
SECRETARY-TREASURER	
annual meeting, when called by.....	228, 229
appointment of.....	228
defined.....	225
duties of.....	228
notice of forfeiture sent by.....	234, 235
register to be kept by.....	232
security to be given by.....	228
taxes remitted to Minister by.....	233
STATUTE LABOUR ACT	
application where board established.....	236
TAX	
action for recovery of.....	233
annual.....	232
bill.....	232
delivery of.....	233
levy.....	231, 232
minimum.....	232
remitted to Minister.....	233
unpaid, penalty on.....	232
who liable for.....	233
TAX BILLS	
delivery of.....	233
joint owners, re.....	233
regulations re.....	236
TRUSTEES	
declaration of.....	226
election of.....	227
liability of, for damages.....	230
qualifications of.....	226
term of office of.....	228
VOTERS	
objections to.....	226
qualifications of.....	225
VOTES	
how determined.....	225
record of, re alteration of area.....	230

	PAGE
LONDON (CITY)	
agreement re trust fund, confirmed.....	612
set out.....	619, 620
awards re drainage works repealed.....	612, 613
by-laws to supersede subdivision agreements.....	612
local improvements, authorized.....	611
contributions to.....	612
underground wires and cables.....	612
waterworks agreement, authorized.....	611
former provisions re, repealed.....	611
set out.....	614-618

LONDON BOARD OF EDUCATION

Act, registration of.....	621
lands vested in Board.....	621-642

LORD'S DAY (ONTARIO) ACT, BY-LAWS UNDER

See MUNICIPAL.

M

MAGISTRATES

acting chief magistrate.....	237
chief magistrate, appointment.....	237
powers and duties.....	237, 238
senior magistrate in Toronto.....	237
sittings.....	237, 238

MAINTENANCE ORDERS

See RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS.

MARRIAGE

decree of divorce or annulment.....	239
-------------------------------------	-----

MASONIC FOUNDATION

audit.....	648
Board, defined.....	643
members of.....	644
<i>Corporations Act</i> , application of.....	647, 648
donations, defined.....	643
form of words re.....	648
limitation of powers re.....	648
power of Foundation to accept.....	647
Foundation, by-laws of.....	644
defined.....	643
disposition of property on dissolution of.....	649
incorporated.....	643
members of.....	644, 648
objects of.....	644
powers of.....	645-647
use of profits of.....	648
property, defined.....	643

MATERNITY BOARDING HOUSES

notice of death.....	241
wards of children's aid society.....	241

MENTAL HEALTH FOUNDATION

See ONTARIO MENTAL HEALTH FOUNDATION.

MENTAL INCOMPETENCY

transfer of basic jurisdiction from S.C.O. to county courts.....	243-249
--	---------

	PAGE
MILK INDUSTRY	
agreement, form of	251
arbitration, before Board	252
by board of arbitration	253
costs of	253
form of renegotiated agreement	254
renegotiation of	253
R.S.O. 1960, c. 18, not to apply to	253
dairy, defined	251
distributor's areas restricted	254
fluid milk, defined	251
regulations, agreements re regulated products	251, 252
financial responsibility of dairy operators	252
MINIMUM WAGE	
<i>See</i> INDUSTRIAL STANDARDS.	
MINING	
airborne geophysical certificate	259
licensee may be issued lease	256
mining claim, when not to be staked or recorded	255
working conditions on	256
order, copy sent to recorder	255
filing of	255
lands withdrawn not to be prospected or worked	256
not a regulation	256
withdrawing or reopening lands	255
surface rights, disposal of	260
validation of certain withdrawals and reopenings	256
work on mining claims, beneficiation studies, etc., may be recorded as	259
geological survey may be recorded as	258
geophysical survey may be recorded as	257
stripping may be recorded as	258
MORTGAGE BROKERS REGISTRATION	
Act	
application of	270
ADVISORY BOARD	
appointment	262
duties and powers	262
quorum	262
reference to	262
APPEAL TO COURT OF APPEAL	
from decision of Director on review	268
counsel	268
order for Director's decision	268
of judge final	268
procedure on	268
APPLICATION FOR REGISTRATION	
address for service to be stated in	263
ASSETS	
bonding	266
dealing in, prohibited	266
BOOKS AND RECORDS	
inspection of	263
COUNSEL AT HEARINGS	
designation of	268
right to	268
DIRECTOR	
defined	261
substituted for Superintendent	261, 266
EVIDENCE	
certificate of Director receivable as	269

MORTGAGE BROKERS REGISTRATION—*Continued*

PAGE

INVESTIGATIONS

by Attorney General.....	264
Director.....	263, 264
confidential information.....	265
of complaints re mortgage transaction.....	263
powers.....	264, 265
report.....	265

NOTICES

of appeal.....	268
change in address for service.....	263
officers, members, etc.....	263
decision on review.....	268
direction, etc., of Registrar.....	267
hearing and review.....	268

OFFENCES AND PENALTIES.....	269
-----------------------------	-----

REASONS FOR DECISIONS.....	263, 268
----------------------------	----------

REGISTRAR

defined.....	261
inspection of books and records by.....	263
request for information by.....	263

REGISTRATIONS AND RENEWALS

expiration.....	262
hearings.....	262
reasons for decision.....	263
reference to advisory board.....	262
suspension or cancellation.....	262

REVIEW BY DIRECTOR

duties and powers of Director.....	267
notice of decisions.....	268
review.....	267
reasons for decision.....	268
right to.....	267

SERVICE

address for.....	263
method of.....	263

MORTGAGES

Act, application of.....	276
Form 1 re-enacted.....	275, 276
notice of exercising power of sale.....	271-276
powers incident to, after default.....	271, 272

See also SHORT FORMS OF MORTGAGES.

MOTHERS' ALLOWANCES

completion of school year of dependent child.....	278, 279
duties of Director.....	277-280
qualification for allowances, desertion.....	277
husband in prison.....	277
unmarried mother.....	277

MOTOR VEHICLE ACCIDENT CLAIMS

ACTION AGAINST REGISTRAR

where identity of driver cannot be established.....	283
---	-----

FALSE EVIDENCE

suspension of licence for.....	281, 282
--------------------------------	----------

FALSE STATEMENT

suspension of licence for.....	281
--------------------------------	-----

FINES UNDER ACT

disposition of.....	283
---------------------	-----

MOTOR VEHICLE ACCIDENT CLAIMS— <i>Continued</i>	PAGE
INTEREST NOT PAYABLE OUT OF FUND.....	283
MUNICIPAL VEHICLE deemed insured motor vehicle.....	281
NOTICE TO MINISTER defendant's non-attendance at examination for discovery, re.....	283
UNINSURED MOTOR VEHICLE FEE payment of, where not previously paid.....	282
MOTOR VEHICLE FUEL TAX	
information, communication of.....	285, 286
to be secret.....	285
rates of tax increased.....	285
MUNICIPAL	
BOARD OF CONTROL provision for.....	289, 290
CHIMNEY REPAIRMEN licensing and regulating.....	293, 294
CLOSING HOURS OF SHOPS daylight saving time re.....	292
EXPROPRIATION powers re land of another municipality.....	291
FACTORY, SHOP AND OFFICE BUILDING ACT provision re, repealed.....	184
INQUIRY commission of.....	291
LICENSING BY-LAWS repairing, etc., of buildings.....	293, 294
LORD'S DAY (ONTARIO) ACT, 1960-61 effect of amalgamation on by-laws under.....	288, 289
MUNICIPAL FRANCHISE EXTENSION ACT effect of amalgamation on by-laws under.....	288, 289
NEWSPAPER BOXES use on sidewalks, etc.....	291
ORDERS RE ERECTION, ANNEXATION OF MUNICIPALITIES registration of.....	287, 288
PARKING OFFENCES ON BOULEVARDS, ETC.....	291
PENSIONS transfer of employment, re.....	290
PUBLICITY expenditures for.....	294
SEWER RATE	
commutation of frontage rate.....	293
cost of existing works.....	292
exemptions from.....	292, 293
URBAN SERVICE AREAS establishment of.....	287, 288
WATER WORKS RATE	
commutation of frontage rate.....	293
cost of existing works.....	292
exemptions from.....	292, 293

MUNICIPAL BOARD	PAGE
<i>See</i> ONTARIO MUNICIPAL BOARD.	
MUNICIPAL EMPLOYEES	
<i>See</i> ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM.	
MUNICIPAL FRANCHISE EXTENSION ACT, BY-LAWS UNDER	
<i>See</i> MUNICIPAL.	
MUNICIPAL REFORESTATION	
<i>See</i> TRUSTEES.	
MUNICIPAL UNCONDITIONAL GRANTS	
grants re indigent hospitalization.	295-297
MUNICIPAL WORKS ASSISTANCE	
moneys required for Act.	299
MUNICIPALITY OF METROPOLITAN TORONTO	
grants authorized,	
Canadian Red Cross Society (Italian Flood Relief).	302
Council of Catholic Charities (The Good Shepherd Refuge).	302
Pentecostal Benevolent Association (Shepherd Lodge).	302
maintenance assistance payments, children in hospital, etc., re.	301
retarded child resident in, right to attend school.	482
special studies, agreements re.	301
statement of valuations re grants in lieu of taxes.	302

N

NEWSPAPER BOXES	
<i>See</i> MUNICIPAL.	
NIAGARA FALLS (CITY)	
moneys held by company.	652
pension by-law confirmed.	651
set out.	653-670
NORAH BULLIED	
<i>See</i> BULLIED (WALLACE AND NORAH) RELIEF.	
NORTH BAY RECREATIONAL RESERVE	
name of Killarney Recreational Reserve changed to.	211
NORTHLAND TRANSPORTATION COMMISSION	
<i>See</i> ONTARIO NORTHLAND TRANSPORTATION COMMISSION.	
NOTARIES	
commission, indication of expiry.	303
NURSES	
schools of nursing, approval of.	305
training centres, approval of.	305

O

ONTARIO ENERGY BOARD	
ABANDONED WORKS FUND.	317
Act	
commencement.	328
conflict.	327
interpretation.	307-309
transitional provisions.	327, 328

ONTARIO ENERGY BOARD—*Continued*

PAGE

BOARD

annual report.....	310
appointment.....	309
assignment of authority given by.....	311
assistance, technical, etc.....	310
chairman.....	309
composition.....	309
costs.....	317
decisions, written reasons for.....	313
defined.....	307
hearings, place of.....	312
when necessary.....	312
jurisdiction, ancillary.....	311
exclusive.....	311
miscellaneous.....	311, 312
re pipe lines, crossings.....	324
expropriations.....	322-324
leave to construct.....	321, 322
rates.....	313, 314
storage of gas.....	314, 316
money, for purposes of.....	310
oaths, power to administer.....	310
orders, allocation of market by.....	316
appeals to Court of Appeal from.....	318, 319
certified copies.....	310
enforcement.....	317, 318
<i>ex parte</i>	312
for payment from Abandoned Works Fund.....	317
interim.....	312, 314
joining of interests, spacing units and pools.....	316
leave to construct pipe line.....	321
obedience to, a good defence.....	313
offences.....	319
rates.....	313, 314
signing of.....	311
terms and conditions.....	312
<i>The Regulations Act</i> not to apply to.....	311
to be judicially noticed.....	311
petition to Lieutenant Governor in Council.....	319
proceedings, adjournment.....	312
appeals.....	318, 319
by Order in Council.....	311
reference.....	311
costs.....	317
on application.....	311
public.....	312
stated cases.....	312
quorum.....	309
rates, approving or fixing.....	313, 314
references.....	311, 320
rehearings and reviews.....	318
rules of practice and procedure.....	317
seal.....	311
secretary, acting secretary and assistant secretaries.....	310
sittings, use of court house.....	312
municipal hall.....	312
staff.....	310
stated cases.....	318
vacancies.....	309

COMPENSATION

re pipe lines.....	322-324
storage rights.....	315

COURT OF APPEAL

appeal to.....	318, 319
stated case to.....	319

CROSSINGS

leave to construct.....	324
-------------------------	-----

ONTARIO ENERGY BOARD—*Continued*

PAGE

ENERGY

inquiries as to any matter respecting 320

ENERGY RETURNS OFFICER

appointment 325

assistance 325

associate, defined 307

capacity to testify before Board 326

documents, admissibility of, in evidence 326, 327

may require production of 325, 326

function 325, 326

information confidential 327

no personal liability 325

not compellable witness in civil suits 326

oaths, power to take 325

offence 327

premises, power to enter 326

staff 325

GAS

defined 308

discontinuation of supply 317

distribution 307, 313, 317

rates 313, 314

sale 313

storage 313-316, 320

transmission 313, 317

GAS STORAGE AREAS

authority to store in 315

designation, application for 320

no storage elsewhere 314

storage agreements, approval of, by Board 316

surplus storage capacity, allocation of 316

wells, drilling of, in 316

LIEUTENANT GOVERNOR IN COUNCIL

annual report of Board to be submitted to 310

powers of, to appoint members of the Board 309

persons with technical or special knowledge 310

approve Board's rules of practice 317

ministerial regulations re pipe line inspectors'

duties 325

designate chairman of Board 309

fill vacancies on Board 309

fix number of members of Board 309

make regulations 319, 320

request rate hearing 314

require Board to examine any energy matter 320

review orders of Board on petition 319

MINISTER

annual report of Board to 310

defined 308

power to appoint boards of arbitration 323

deal with applications for drilling permits 316

grant permission to prosecute 319, 327

make regulations prescribing duties of pipe line inspectors 325

OFFENCES

against Act, regulations or Board order 319

permission of Minister re laying of information 319, 327

unauthorized disclosure 327

ONTARIO FUEL BOARD

applications pending before 328

orders of 327, 328

references to 328

ONTARIO ENERGY BOARD—*Continued*

PAGE

ONTARIO MUNICIPAL BOARD

appeals to, from boards of arbitration..... 315, 323

PIPE LINES

compensation, for damages during construction..... 324
 maintenance..... 321
 land expropriated..... 322, 323
 crossings..... 321
 expropriations, applications for..... 322
 compensation for..... 322-324
 manner of..... 322
 orders for..... 322
 procedures for..... 322
 inspectors, appointment..... 325
 duties..... 325
 leave to construct, hearing, notice of..... 322
 time of..... 321
 notice of application..... 321
 objections..... 321
 reply to..... 321
 order granting..... 322
 route map, to be filed..... 321
 where necessary..... 321
 pipe line, defined..... 308
 right of entry, after construction..... 324
 before construction..... 322
 station, defined..... 308
 surveys, right to enter lands for..... 322
The Public Utilities Act, s. 58, where not to apply..... 325
 transmission line, defined..... 308
 utility line, defined..... 309

REGULATIONS

power to make, by Board..... 317
 Lieutenant Governor..... 319, 320

WELLS

drilling of, in gas storage areas..... 316

WITNESSES

members, secretary, Energy Returns Officer and staff of Board not
 compellable as..... 310, 325

ONTARIO FOOD TERMINAL

penalties, motor vehicle owner and driver liable for..... 329

ONTARIO FUEL BOARD, APPLICATIONS PENDING BEFORE

See ONTARIO ENERGY BOARD.

ONTARIO HOUSING CORPORATION

AGREEMENTS

power of Corporation to enter into..... 332
 rights and obligations of Minister under..... 332

ANNUAL REPORT..... 335

AUDIT..... 335

BOARD

affairs of Corporation managed by..... 332
 defined..... 331
 members of..... 331, 332

CORPORATION

annual report of..... 335
 application of *The Corporations Act* to..... 331
 audit of accounts of..... 335
 borrowing powers of..... 333
 debentures of..... 333-335

ONTARIO HOUSING CORPORATION— <i>Continued</i>	PAGE
CORPORATION— <i>Continued</i>	
defined	331
established	331
fiscal year of	331
management corporation, as	333
powers of	332
property, acquisition of	332
vested in	332
seal of	331
staff of	332
DEBENTURES	
guarantee by Treasurer of	334
issue and sale by Corporation	333
purchase by Treasurer of	335
sealing of	334
trust investment	335
MINISTER	
defined	331
rights of, under agreements	332
PROPERTY	
power of Corporation to acquire	332
TREASURER OF ONTARIO	
advances to Corporation by	335
guarantee of debentures by	334
purchase of debentures by	335
ONTARIO HURRICANE RELIEF FUND	
amount of assistance for dependent children	337
ONTARIO LAW REFORM COMMISSION	
chairman	339
composition	339
establishment	339
function	339
payment of expenses	340
remuneration	339
report	340
research by	339
staff	339
ONTARIO LOAN	
loans, authorized	341
manner of raising	341
ONTARIO MENTAL HEALTH FOUNDATION	
Dr. C. K. Clarke Institute of Psychiatry	343-345
property exempt from taxation	343
ONTARIO MUNICIPAL BOARD	
members of Board, appointment and salaries	347
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM	
Board, management of other funds by	350
employee, district assessor included in definition of	349
employer, district assessor included in definition of	349
local board, Board included in definition of	349
ONTARIO NORTHLAND TRANSPORTATION COMMISSION	
seal of commission, authorized	351
reproduction of	351
ONTARIO POLICE COMMISSION	
<i>See</i> POLICE.	
ONTARIO PROVINCIAL POLICE FORCE	
<i>See</i> POLICE.	

	PAGE
ONTARIO-ST. LAWRENCE DEVELOPMENT COMMISSION	
name of Commission changed.....	353
title of Act changed.....	353
ONTARIO UNIVERSITIES CAPITAL AID CORPORATION	
Corporation, advances to, by Treasurer.....	359
application of <i>The Corporations Act</i> to.....	355
borrowing powers of.....	356
chairman of.....	355
debentures of.....	356
defined.....	355
established.....	355
management of.....	356
regulations re.....	359
objects of.....	355, 356
quorum of.....	355
seal of.....	355
debentures, guarantee of, by Treasurer.....	358
issue and sale of, by Corporation.....	356, 357
lost.....	357
purchase of, by Treasurer.....	359
regulations re.....	359
sealing of.....	357
trust investments.....	358
university, purchase of, by Corporation.....	358
sale of, by Corporation.....	358
Minister of University Affairs, designation of universities by.....	355
regulations.....	359
Treasurer of Ontario, administration of Act by.....	359
assignment of staff to Corporation.....	356
guarantee of debentures by.....	358
purchase of debentures by.....	359
university, application of Act to.....	355
debentures, purchase of.....	358
sale of.....	358
defined.....	355
ONTARIO WATER RESOURCES COMMISSION	
ACT	
contravention of, restrained by action.....	367
proceedings under limitation.....	366
BOATS	
discharge of sewage from.....	366
places providing services for.....	366
storage and treatment of sewage in.....	366
COMMISSION	
enforcement of orders of.....	366, 367
COST	
defined.....	361
DEFINED AREA	
depositing material in, prohibited.....	362
swimming in, prohibited.....	362
taking water in, prohibited.....	362
INJUNCTION	
application for, to prevent pollution.....	361, 362
MOORINGS	
regulation of places providing.....	366
OFFENCES	
contravention of terms of approval.....	364, 365
depositing material in defined area.....	362
failure to comply with direction of Commission.....	365
order of Commission.....	364, 365
stop leaking of water, etc.....	364

ONTARIO WATER RESOURCES COMMISSION— <i>Continued</i>	PAGE
OFFENCES— <i>Continued</i>	
making well where prohibited	364
sewage works undertaken without approval	365
swimming in defined area	362
taking of water, in defined area	362
where rights interfered with	364
water works undertaken without approval	364
PERMIT	
making of wells, for	364
taking of water, for	363
PIPES	
maintenance of, on highways	361
POLLUTION	
application for injunction to prevent	361, 362
PROCEEDINGS	
time limit for instituting	366
WATER	
leaking of, from well, etc.	363, 364
taking of, by means of wells	362, 363
where other rights interfered with	363
WELLS	
areas in which making of, prohibited	366
making of, prohibited in areas	364
OTTAWA (CITY)	
Dr. Henry P. Wright, moneys subscribed by friends of	671
steam heating system agreement authorized	672
transportation agreements authorized	671, 672
OTTAWA COMMUNITY CHESTS	
change of name	673
notice of meetings	673
OTTAWA UNIVERSITY	
<i>See</i> UNIVERSITY OF OTTAWA.	
OVERTIME WORK	
<i>See</i> INDUSTRIAL STANDARDS.	
OWEN SOUND (CITY)	
by-law extending time re assessment roll deemed approved by Department	675

P

PARKING OFFENCES	
<i>See</i> MUNICIPAL.	
PEDESTRIAN CROSSOVER	
<i>See</i> HIGHWAY TRAFFIC.	
PENAL AND REFORM INSTITUTIONS INSPECTION	
approval of by-laws respecting jails	369, 370
definition of "penal and reform institution"	369
PENSION BENEFITS	
eligible employee, definition repealed	371
employer, redefined	371
fines, disposition of	375
mandatory group, definition repealed	371
pension benefit, redefined	371

	PAGE
PENSION BENEFITS—<i>Continued</i>	
Pension Commission, power to regulate investments of pension funds..	375
pension plans, locking in.....	373, 374
portability.....	373, 374
registration.....	372, 373
vesting.....	374
standard pension plan, definition repealed.....	371
supplementary pension plan, definition repealed.....	371
 PENTECOSTAL BENEVOLENT ASSOCIATION, GRANT TO	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
PETERBOROUGH (CITY)	
bus franchise agreement, authorized.....	677
set out.....	679-683
 PHARMACY	
Council, election of members.....	377
internes, defined.....	377
poisons and drugs, sale of, by.....	379
register of.....	378
registration of apprentices as.....	378
regulations re.....	378
pharmacies, regulations re operation of.....	378
registrar, to keep register of internes.....	377, 378
 PLANNING	
area of subdivision control, consent to convey land in.....	381
committee of adjustment, conditions to decision of.....	386
consent to conveyance of land of.....	381, 385
matters to be regarded in determining...	386
consent, conveyance of land in subdivision control area.....	381, 382
lapse of.....	382
matters to be regarded by Minister re.....	382
part-lot control, re.....	381, 382
housing standards committee.....	384
Minister, consent to conveyance of land.....	381, 382
power to allow minor variances.....	382
part-lot control, consent re.....	381, 382
standards of maintenance.....	383-385
 PLANT DISEASES	
municipal inspectors, powers and duties.....	387
plant diseases, control or eradication of.....	387
 POLICE	
BARGAINING	
agreements.....	391, 392
arbitration.....	392, 393
budgeting for unconcluded agreement.....	393
BOARDS OF POLICE COMMISSIONERS	
vacancies on.....	391
COMMISSION	
defined.....	389
FINES	
disposition of.....	397
INQUIRY BY COMMISSION	
contempt, appeal from punishment for.....	396
procedure for.....	395
evidence, may be taken in private.....	394
disclosure of, taken in private.....	395
powers.....	394
scope.....	394
stated case.....	395
witnesses, rights of.....	395

POLICE— <i>Continued</i>	PAGE
MUNICIPAL RESPONSIBILITY FOR POLICING	
designation	389
failure to discharge	390, 391
how discharged	389, 390
ONTARIO POLICE COMMISSION	
disputes as to size of police force, arbitration by	391
functions	393
members, powers of	396
ONTARIO PROVINCIAL POLICE FORCE	
agreements for policing	396
board of municipality to act in advisory capacity	397
composition	393
employees	393
officers	395
PROFESSIONAL FORESTER, DEFINITION OF	
<i>See</i> CROWN TIMBER.	
PROPERTY	
<i>See</i> CONVEYANCING AND LAW OF PROPERTY.	
PSYCHIATRY, INSTITUTE OF	
<i>See</i> ONTARIO HEALTH FOUNDATION.	
PUBLIC HEALTH	
boards of health, payment of accounts of	400
health units, by-laws of	400
indigents, supply of insulin, etc., to	401
local boards of health, authorization for payment of members, etc., repealed	400
medical officers of health, age of retirement	401
appointment	400
closing schools, etc.	401
pre-natal examination, provisions of Act re, repealed	402
regulations, insulin, etc.	399
smallpox	401, 402
swimming pools	399, 400
vaccination	399
sanitary inspectors, appointment	400
smallpox	401, 402
swimming pools, by-laws re.	402
regulations re.	399
PUBLIC HOSPITALS	
Commission authorized to make loans	403
regulations re loans authorized	403
PUBLIC SCHOOLS	
APPEAL TO COUNTY FROM TOWNSHIP BY-LAW	
time for	418
APPROVAL OF MINISTER	
deleted re admission of pupils from other school section	418
BORROWING POWERS	
provisions repealed	418
CONSULTATIVE COMMITTEE	
county, for	406
territorial district, in	408
COUNTY SCHOOL AREA	
board of	407
establishment of	406, 407
adjustment of claims on	408
school sections in, dissolved	407

PUBLIC SCHOOLS—*Continued*

PAGE

COUNTY SCHOOL AREA BOARD

election of trustees.....	407
first election of trustees.....	410
name of.....	407
powers and duties of.....	407

DEAF AND DUMB

reference to dumb in, deleted.....	418
------------------------------------	-----

DISTRICT SCHOOL AREA

board of.....	409
establishment of.....	409
adjustment of claims on.....	410
school sections in, dissolved.....	409

DISTRICT SCHOOL AREA BOARD

election of trustees.....	409
first election of trustees.....	410
name of.....	410
powers and duties of.....	410

LAND

removal of restrictions re use of.....	405, 406
--	----------

MEETING

tie vote at.....	411
------------------	-----

RATES

when municipality to pay over to board.....	417
---	-----

RESIDENT PUPIL

right of, to attend more accessible school.....	405
---	-----

TEACHERS IN CHARITABLE INSTITUTIONS

provisions repealed.....	418
--------------------------	-----

TOWNSHIP SCHOOL AREA

adjustment of claims.....	413
appeal re detaching part of.....	411, 412
detaching of part of, authorized.....	411
division of, into two areas.....	412
effective date of detaching by-law.....	412
territory without municipal organization in.....	412
township to be.....	411
trustees of, election of first.....	413
qualifications.....	416
where no urban municipality included.....	413-415
urban municipality included.....	415, 416

TOWNSHIP SCHOOL AREA BOARD

auditor of books of.....	417
election of first trustees.....	413
election of, where no urban municipality.....	413-415
urban municipality.....	415, 416
name of.....	416
obligations of former section, responsibility.....	416
powers of.....	416, 417
qualifications of trustees.....	416
vesting of property in.....	416

TRUSTEES

planning board members as.....	410
--------------------------------	-----

UNION SCHOOL SECTION

formation of.....	417
township school area, in.....	411
urban municipality in.....	412

VOTERS' LIST

where township school area includes union school section.....	417
---	-----

	PAGE
PUBLIC SERVICE SUPERANNUATION	
contributions, in respect of past service.....	419, 420
locked in.....	420, 421
PUBLICITY, EXPENDITURES FOR	
<i>See</i> MUNICIPAL.	

R

RACCOON HUNTING	
<i>See</i> GAME AND FISH.	
RACE TRACKS TAX	
Comptroller, defined.....	423
may assess, re-assess.....	425
demand information.....	423, 424
require surety bond.....	425
not bound by returns.....	425
information.....	424
interest.....	425
returns.....	423-425
security bonds.....	425
tax, collection of, deemed trust.....	423
recovery of.....	424
Treasurer, may issue warrant.....	424
returns to be furnished to.....	423, 424
RADIOLOGICAL TECHNICIANS	
registration, qualifications for.....	427
regulations, re examinations.....	427
REAL ESTATE AND BUSINESS BROKERS	
ADVISORY BOARD	
appointment.....	430
duties and powers.....	430
quorum.....	430
APPEAL TO COURT OF APPEAL	
from decision of Director on review.....	435
counsel.....	436
order for Director's decision.....	436
of judge final.....	436
procedure on.....	435
ASSETS	
bonding.....	433, 434
COUNSEL AT HEARINGS	
designation of.....	436
right to.....	436
DIRECTOR	
defined.....	429
substituted for Superintendent.....	429-437
EVIDENCE	
certificate of Director receivable as.....	437
INVESTIGATIONS	
by order of Attorney General.....	432
Director.....	431
confidential information.....	433
powers.....	432
report.....	433
NOTICES	
of appeal.....	435
change of address for service.....	431
decision on review.....	435
employment of salesman.....	431
Registrar's decision, etc.....	434
review.....	434

REAL ESTATE AND BUSINESS BROKERS—*Continued*

PAGE

OFFENCES AND PENALTIES.....	436, 437
REASONS FOR DECISIONS.....	430, 435
REGISTERED BROKER	
notice of change of address for service.....	431
commencement and termination of employment of salesmen..	431
REGISTERED SALESMEN	
notice of change of address for service.....	431
commencement and termination of employment.....	431
REGISTRATION	
application for, to state address for service.....	430
cancellation and suspension.....	430
hearing before.....	430
reasons for decision re.....	430
granting.....	429
renewal.....	429
REVIEW BY DIRECTOR	
decision, notice of.....	435
reasons for.....	435
duties and powers of Director.....	435
notice of.....	434
right to.....	434
RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS	
provisional orders, not confirmed, right of appeal.....	439
REFORMATORIES	
acquisition of farm land, repeal of provision re.....	441
REFORM INSTITUTIONS	
<i>See</i> PENAL AND REFORM INSTITUTIONS INSPECTION.	
REGISTRY	
abstract index entries.....	445
affidavits, as to age.....	450, 451
execution.....	447, 448
marital status.....	451, 452
by officer of corporation.....	452
sufficiency of.....	448
attorney, execution by.....	449
deed to uses.....	445, 446
definitions, instrument.....	443
plan of subdivision.....	443
deposits.....	459-461
deputy registrars.....	458
description of land.....	454
discharge of mortgage by amalgamated loan or trust corporations....	452, 453
fees, for registrar's compiled plan.....	455
reduction of, by registrar.....	458
general register, contents.....	445
grantee, description of.....	452
instruments, executed after plan registered.....	453, 454
maximum size.....	447
production of, for court purposes.....	444, 445
investigation of titles.....	461-463
judge's plans.....	456-458
local descriptions.....	447
plans of subdivision, amendment of.....	456
defined.....	443
duplicates.....	458
registration.....	453, 454
streets or highways.....	453
when binding.....	455

	PAGE
REGISTRY— <i>Continued</i>	
registrar's compiled plan.....	454, 455
registrars as commissioners for taking affidavits.....	448
registration, of deposits.....	449
incorporation of municipality.....	453
instrument after plan.....	453, 454
mortgages, recording on.....	449, 450
order of judge.....	449
plan of subdivision.....	454
registrations, validity of prior, unaffected.....	463
registry divisions, changes in.....	443
offices, expense of equipping.....	444
regulations.....	458, 459
sale under mortgage, notice of.....	452
RESIDENTIAL AND FARM ASSESSMENT	
<i>See</i> SCHOOLS ADMINISTRATION.	
RESIDENTIAL AND FARM SCHOOL TAX ASSISTANCE GRANTS	
Act repealed.....	465
RETAIL SALES TAX	
contractors, non-resident.....	470, 471
exemptions, conditional, clarified.....	469
enlarged.....	468
fair value, definition of, amended.....	467
information, communication of.....	469
to be secret.....	469
property brought into Ontario, tax on.....	467, 468
rebates, regulations to authorize.....	471
registered consumer, defined.....	467
duty to keep records.....	469
make returns.....	469
liability to penalties.....	470
RETARDED CHILDREN, EDUCATION OF	
<i>See</i> DEPARTMENT OF EDUCATION.	
MUNICIPALITY OF METROPOLITAN TORONTO.	
SCHOOLS ADMINISTRATION.	
RIVERDALE HOSPITAL	
Board of Governors	
charges for treatment recoverable by.....	690
composition.....	685, 686
first appointments to.....	686
local board, not.....	685
management of hospital by.....	685
meetings.....	686, 687
powers of.....	687, 688
quorum.....	687
remuneration of members.....	687
vacancies on.....	686
employees, holidays.....	689
pensions.....	688
sick leave credits.....	688, 689
Metropolitan Corporation	
employees, employed by Board.....	688, 689
responsibility for expenditures.....	689, 690
working capital provided by.....	689
personal property of Hospital vested in Board.....	689
real property, power of Board to acquire.....	689
ROSS MEMORIAL HOSPITAL	
Board of Governors, annual meetings of.....	692
composition of.....	691, 692
Corporation, membership.....	692, 693
<i>Ross Memorial Hospital Act, 1954</i> repealed.....	693

S

SALESMEN	PAGE
<i>See</i> REAL ESTATE AND BUSINESS BROKERS, USED CAR DEALERS.	
SCHOOLS ADMINISTRATION	
ADMISSIONS BOARD	
admission of retarded children by	483
chairman of	483
composition of	483
ADVISORY VOCATIONAL COMMITTEES	
honorarium of members of	475
ASSESSMENT ROLL	
particulars in	479
AUTHORITY	
commencement of operation of	481
composition of	481
defined	480
establishment of	481
estimates of	483
information to auditors of	484
members, appointment of	481
of first	482
Metropolitan Toronto	481
name of	481
notification of clerk re admissions	484
property vested in	482
term of office of members of	482
transportation of children by	484
vacancies on	482
CHARITABLE ORGANIZATIONS	
education of children in	474
COMMERCIAL ASSESSMENT	
clerk to furnish board with	477, 478
defined	477
DEBT CHARGES	
deficiency re, payable by board	479
withholding of levy to meet	479
ESTIMATES	
apportionment of	478
basis of rates, for	478
submission of, by board	478
INSPECTORS	
secondary school	476
separate school	476, 477
LOCAL ASSOCIATION	
defined	480
personal property of, vested in Authority	482
real property of, disposition	481
request of, now operating school	482
to establish authority	481
school premises provided by	482
MAINTENANCE	
defined	480
rates for	483
METROPOLITAN TORONTO	
attendance at school for retarded children in	482
Authority established for	481
municipality, as	480

SCHOOLS ADMINISTRATION— <i>Continued</i>	PAGE
MUNICIPALITY	
defined.....	480
POPULATION OF COUNTY	
defined.....	473
RATES	
residential and farm assessment, re determination of.....	478, 479
estimates for basis of.....	478
levy of.....	480
who to determine.....	479
RESIDENTIAL AND FARM ASSESSMENT	
clerk to furnish board with.....	477, 478
defined.....	477
reduction of school taxes on.....	477-480
RETARDED CHILD	
admission of, to school.....	482, 483
where in other municipality.....	483
defined.....	480
right of, to attend school.....	482
RETARDED CHILDREN'S EDUCATION AUTHORITIES.....	480-484
SCHOOL FOR RETARDED CHILDREN	
admission of child to.....	482, 483
Authority to operate.....	481
closing of.....	484
levy of rates for.....	483
premises for.....	482
TEACHERS	
institutes, provision re aid to, repealed.....	474
salary of, during absence for sickness.....	473, 474
separate school, provisions repealed.....	474
TEXT-BOOKS	
provision of, without charge.....	474
use of approved, by pupils.....	474
TRANSPORTATION	
pupils in unorganized territory, of.....	476
retarded children, of.....	484
TRUSTEES	
honorarium.....	475
deduction re absence.....	476
travelling expenses of.....	476
WORK EXPERIENCE PROGRAMMES	
insurance re.....	474, 475
SECONDARY SCHOOLS AND BOARDS OF EDUCATION	
ADVISORY VOCATIONAL COMMITTEES	
composition of.....	487, 488
powers of.....	488
qualifications of members of.....	488
ARBITRATION	
municipalities in territorial districts, by.....	486, 487
BOARD OF EDUCATION	
high school district on exempt land, for.....	488, 489
member from municipality under 500.....	489
BORROWING POWERS	
provisions re, deleted.....	486, 487

SECONDARY SCHOOLS AND BOARDS OF EDUCATION—*Continued*

COUNTY	
all parts of, to be in district.....	485
COUNTY PUPILS	
definition of, repealed.....	485
provisions re, repealed.....	485, 489-495
HIGH SCHOOL DISTRICT	
all of county to be included in.....	485
PLANNING BOARD	
member of, not disqualified as trustee.....	486
POPULATION	
definition of, repealed.....	485
RESIDENT PUPIL	
person over 21 years of age as.....	485
UNION BOARDS OF EDUCATION	
reference to, deleted.....	489
SECURITIES	
offences and penalties.....	497, 498
registration, regulations re.....	498
renewal and termination, repeal of provision re.....	497
SEPARATE SCHOOLS	
AGREEMENTS	
public and separate school boards, between.....	502
ANNUAL MEETING	
chairman's duties at.....	503
COMBINED SEPARATE SCHOOL	
detaching of school from.....	503
DEAF OR BLIND CHILDREN	
reports re.....	504
NOTICE OF WITHDRAWAL OF SUPPORT.....	504, 505
PROTESTANT SEPARATE SCHOOLS	
Act, application of.....	502
assessor's roll, use of, by board.....	501
board, corporate name of.....	502
discontinuation of.....	502
powers of.....	502
establishment of.....	499
effective date of.....	500
index book, assessor to be guided by.....	501
inspection of.....	501
municipal clerk required to keep.....	500, 501
legislative grants, share in.....	501
location of.....	499
notice, filing of.....	501
support, of.....	500
withdrawal of support, of.....	500
public school assessment, not to share in.....	501
reports re.....	501
supporters of, exemption from public school rates.....	500
notice to.....	500
withdrawal as.....	500
trustees, election of.....	502
qualifications of.....	501
voters, qualifications for.....	501
SEPARATE SCHOOL ZONES	
overlapping of.....	504
urban.....	504

SEPARATE SCHOOLS— <i>Continued</i>	PAGE
TEACHERS	
payment of salaries of.....	503
TRUSTEES' PERSONAL RESPONSIBILITY	
provision repealed.....	505
VOTES	
counting of.....	503
SET-GUN, USE OF	
<i>See</i> GAME AND FISH.	
SHEPHERD LODGE	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
SHERIDAN PARK CORPORATION	
ANNUAL REPORT.....	511
AUDIT.....	511
BOARD OF DIRECTORS	
chairman.....	507
members of.....	507
quorum.....	507
CORPORATION	
advances to, by Treasurer.....	510
annual report of.....	511
application of <i>The Corporations Act</i> to.....	507
audit of accounts of.....	511
borrowing powers of.....	508, 509
by-laws of.....	508
debentures of.....	508-510
defined.....	507
established.....	507
fiscal year of.....	511
management of.....	508
non-profit.....	508
objects.....	508
seal of.....	507
staff of.....	508
DEBENTURES	
guarantee of, by Treasurer.....	510
issue and sale of.....	508, 509
lost.....	510
purchase of, by Treasurer.....	510
sealing of.....	509, 510
trust investments.....	511
DEVELOPMENT MANAGER	
appointment of.....	508
MINISTER	
defined.....	507
TREASURER OF ONTARIO	
advances to Corporation by.....	510
guarantee of debentures by.....	510
purchase of debentures by.....	510
SHORT FORMS OF MORTGAGES	
power of sale, minimum periods.....	519
Schedule B, amended.....	519, 520
SIGNAL LIGHTS, ERECTION	
<i>See</i> HIGHWAY TRAFFIC.	

	PAGE
SLOT MACHINES	
<i>The Slot Machines Act</i> repealed.....	521
SMALLPOX	
<i>See</i> PUBLIC HEALTH.	
SMITH'S FALLS (TOWN)	
fixed assessment authorized.....	695, 696
SPEED LIMITS	
<i>See</i> HIGHWAY TRAFFIC.	
ST. LAWRENCE PARKS COMMISSION	
<i>See</i> ONTARIO-ST. LAWRENCE DEVELOPMENT COMMISSION.	
SUCCESSION DUTY	
child, definition of, clarified.....	523
consent of Treasurer, re pensions.....	524
duty, when not to be levied, pensions, etc.....	523, 524
SUMMARY CONVICTIONS	
application of the <i>Criminal Code</i> (Canada).....	525
procedure for payment out of court.....	525, 526
SUPERANNUATION	
<i>See</i> ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM.	
PUBLIC SERVICE SUPERANNUATION.	
TEACHERS' SUPERANNUATION.	
SUPPLY	
expenditures, accounting for.....	528
grant for fiscal year 1963-64.....	527
1964-65.....	527
schedules.....	529
SWIMMING POOLS	
<i>See</i> PUBLIC HEALTH.	

T

TAXES	
<i>See</i> CORPORATIONS TAX.	
GASOLINE TAX.	
HOSPITALS TAX.	
INCOME TAX.	
MOTOR VEHICLE FUEL TAX.	
RACE TRACKS TAX.	
RETAIL SALES TAX.	
SUCCESSION DUTY.	
TEACHERS	
<i>See</i> DEPARTMENT OF EDUCATION (ARMED FORCES).	
SCHOOLS ADMINISTRATION.	
TEACHERS' SUPERANNUATION.	
TEACHERS' SUPERANNUATION	
Commission, annual report of.....	531
contributions, where locked in.....	536
employed, definition of, amended.....	531
pensions, deferred.....	531-533
dependant's, commencement of.....	535
new type.....	533-535
disability.....	532, 533
termination of.....	535
to be paid monthly.....	535
Providence College, Brantford, private school.....	537
refunds, interest on.....	536
repayment into Fund on re-employment.....	536, 537

	PAGE
TERRITORIAL DIVISION	
municipalities, changes in corporate status.	539-541
TERTIARY ROADS	
<i>See</i> HIGHWAY IMPROVEMENT.	
THOROLD (TOWN)	
agreements, authority to enter into.	701
confirmed.	700, 701
set out.	704-732
debenture moneys, transfer to general fund of.	700, 701
deed of conveyance, amended.	700
powers of Town re.	699, 700
ratified.	699
set out.	702, 703
trusts terminated.	699
THOMAS (W. F.) FOUNDATION	
<i>See</i> W. F. THOMAS FOUNDATION.	
TEXT-BOOKS	
<i>See</i> SCHOOLS ADMINISTRATION.	
TORONTO (CITY)	
agreements re sewage works.	734
Evelyn Tong, grant to.	736
expenditures deemed for purposes of City.	736
funeral expenses of late Mayor Summerville.	734
lease of land to John Inglis Company.	734
levy of parking lot costs against defined areas.	733, 734
mortgages by Balmy Beach Park Board, guarantee of, by City.	735, 736
special assessment, owner's share of, assumed by City.	735
tax notices, omission to give confirmed.	734, 735
TORONTO (TOWNSHIP)	
farm lands, exemption from special rate.	737, 738
TOURISM AND INFORMATION, DEPARTMENT OF	
<i>See</i> DEPARTMENT OF TRAVEL AND PUBLICITY.	
TOURIST ESTABLISHMENTS	
Minister, defined.	543
offences and penalties.	544
sleeping accommodation, defined.	543
tourist establishment, additions or alterations, regulations re.	544
defined.	543
TRADESMEN	
<i>See</i> APPRENTICESHIP AND TRADESMEN'S QUALIFICATION.	
TRAVEL AND PUBLICITY	
<i>See</i> DEPARTMENT OF TRAVEL AND PUBLICITY.	
TREBLE (L. F. M.) TRUST	
use of trust funds.	739, 740
TREES	
municipal reforestation, payments in lieu of taxes.	545
TRUSTEE	
action against estate for torts.	547

U

UNIVERSITIES

- See* ASSUMPTION UNIVERSITY.
 BROCK UNIVERSITY.
 DEPARTMENT OF UNIVERSITY AFFAIRS.
 ONTARIO UNIVERSITIES CAPITAL AID CORPORATION.
 UNIVERSITY OF GUELPH.
 UNIVERSITY OF OTTAWA.

UNIVERSITIES CAPITAL AID CORPORATION
See ONTARIO UNIVERSITIES CAPITAL AID CORPORATION.

PAGE

UNIVERSITY OF GUELPH

ANNUAL REPORT.....	556
AUDIT.....	556
BOARD	
borrowing powers of.....	552
chairman of.....	551
composition.....	550
defined.....	549
management of University by.....	551
powers of.....	551-553
term of office of members of.....	551
vacancies on.....	551
CHANCELLOR	
defined.....	549
election of.....	553, 554
DEGREES	
conferring of, by Senate.....	554
power of University to grant.....	550
EXECUTIVE COMMITTEE	
appointment of.....	552
EXPROPRIATION PROCEDURES ACT, 1962-63	
application of.....	555
FEDERATED COLLEGES OF THE DEPARTMENT OF AGRICULTURE	
federated with University.....	556
FEDERATED COLLEGES OF THE DEPARTMENT OF AGRICULTURE ACT, 1961-62	
affiliation provisions repealed.....	556
PRESIDENT	
appointment of.....	552, 554
defined.....	549
powers and duties of.....	554
PROPERTY	
application of.....	555
of statute of limitations to.....	555
defined.....	549
power of University to acquire.....	554, 555
trust, vested in University.....	555
REAL PROPERTY	
defined.....	549
expropriation of.....	555
liability of, to expropriation.....	555
tax exempt.....	555
SENATE	
composition of.....	553
defined.....	549
degrees conferred by.....	554
powers of.....	553, 554
TEACHING STAFF	
defined.....	549
duties, salaries, etc.....	552
religious tests not required for.....	554

UNIVERSITY OF GUELPH—*Continued*

PAGE

UNIVERSITY

acquisition of property by	554, 555
annual report of	556
application of property of	555
audit of accounts of	556
defined	549
expropriation powers of	555
faculties and schools established by	550
incorporated	549
investment of funds of	555
management of	551
objects	549, 550
powers of affiliation	556
trust property vested in	555

UNIVERSITY OF TORONTO ACT, 1947

affiliation provisions repealed	556
---------------------------------------	-----

UNIVERSITY OF OTTAWA

expropriation powers of University	741, 742
--	----------

UNIVERSITY OF TORONTO

act, amended	556
--------------------	-----

USED CAR DEALERS

ADVISORY BOARD

appointment	558
duties	558
quorum	558

APPEAL TO COURT OF APPEAL

counsel	563
order	563, 564
procedure	563
right to	563

ASSETS

bonding	562
dealing in, prohibited	561, 562

CERTIFICATE OF DIRECTOR AS EVIDENCE

564, 565

COUNSEL AT HEARINGS

564

DEFINITIONS

557

INVESTIGATIONS

complaints, by Attorney General	560
Director	559
confidential information	561
powers	560
report	561

NOTICES

appeal, of	563
change in address for service, of	559
officers, of	559
salesmen, of	559
decision on review, of	563
registrar's decision, of	562
review, of	562
service of	559

PROSECUTIONS

consent of Attorney General	564
limitation	564
offences and penalties	564

REASONS FOR DECISIONS

559, 563

USED CAR DEALERS—*Continued*

PAGE

REGISTRAR

inspection of books and records by.....	559
powers and duties.....	557
request for information by.....	559

REGISTRATION

expiry.....	558
hearings.....	558
reasons for decisions.....	559
representations as to.....	558
required.....	557, 558
suspension and cancellation.....	558

REGULATIONS.....	565
------------------	-----

REVIEW BY DIRECTOR

duties and powers of Director.....	563
notice of decision.....	563
procedure.....	563
reasons for decision.....	563
right to review.....	562

SERVICE BY MAIL

address for.....	559
------------------	-----

V

VACATIONS WITH PAY

See HOURS OF WORK AND VACATIONS WITH PAY,
INDUSTRIAL STANDARDS.

VACCINATION

<i>The Vaccination Act</i> repealed.....	567
--	-----

See also PUBLIC HEALTH.

VETERINARY FUND

See DEPARTMENT OF AGRICULTURE.

VITAL STATISTICS

birth registrations, note on registrations of adoption orders.....	569
--	-----

VOLUNTEER FIRE BRIGADES

See WORKMEN'S COMPENSATION.

W

WAGES

See INDUSTRIAL STANDARDS.

WALLACE BULLIED

See BULLIED (WALLACE AND NORAH) RELIEF.

WATER

See DEPARTMENT OF AGRICULTURE.
ONTARIO WATER RESOURCES COMMISSION.

WATERLOO (CITY)

Community Services Board, established.....	745, 746
expenditures by.....	747
members of.....	745, 746
remuneration of.....	747
powers, duties.....	746
dissolution of former boards.....	746, 747

	PAGE
W. F. THOMAS FOUNDATION	
members of.....	697, 698
re-activated.....	697
returns of.....	698
WOMEN	
<i>See</i> FEMALE REFUGES.	
HOURS OF WORK.	
MATERNITY BOARDING HOUSES.	
MOTHERS' ALLOWANCES.	
WORKMEN'S COMPENSATION	
accident prevention associations, formation.....	575
inspectors.....	576
rules of operation.....	575, 576
common law wife, benefits of Act extended to.....	571-575
defined.....	571
dependent widow, defined.....	571
manufacturing, definition of, amended.....	571
member of the family, definition of, amended.....	571, 572
payments, commutation of.....	572, 573
continuation of, for further education.....	573, 574
minimum.....	573, 574
permanent total disability, minimum monthly payment.....	574
rehabilitation work, greater expenditures authorized for.....	575
temporary disability subsequent to permanent disability.....	573, 574
temporary total disability, minimum weekly payment.....	574
volunteer fire brigades, annual statement to Board.....	572

Y

YORK (TOWNSHIP)	
council, composition of.....	749
grant re veterans' club house.....	749
highways, use of travelled portions of.....	752, 753
parking lots, levy of costs.....	750-752

YOUNG PERSON

See HOURS OF WORK AND VACATIONS WITH PAY.

TABLE OF PUBLIC STATUTES

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
A		
Absconding Debtors Act.....	1	
Absentees Act.....	2	1960-61, c. 1.
Accidental Fires Act.....	3	
Accumulations Act.....	4	
Administration of Justice Expenses Act..	5	
Agricultural Associations Act.....	6	
Agricultural College Act (<i>R.S.O. 1937, c. 374; 1946, c. 89, s. 4; 1952, c. 2</i>)...	...	1961-62, c. 42, s. 20, rep.
(<i>See now Federated Colleges of the Department of Agriculture Act.</i>)		
Agricultural Committees Act.....	7	
Agricultural Development Act.....	8	
Agricultural Development Finance Act..	9	
Agricultural Rehabilitation and Development Act (Ontario).....	...	1962-63, c. 1.
Agricultural Representatives Act.....	10	
Agricultural Research Institute of Ontario Act.....	...	1961-62, c. 1.
Agricultural Societies Act.....	11	1961-62, c. 2.
Air Pollution Control Act.....	12	1961-62, c. 3; 1962-63, c. 2.
Alcoholism and Drug Addiction Research Foundation Act (<i>1949, c. 4; 1951, c. 3; 1955, c. 3; 1959, c. 4</i>).....	...	1960-61, c. 2; 1961-62, c. 4; 1962-63, c. 3; 1964, c. 1.
Alcoholism Research Foundation Act (<i>1949, c. 4; 1951, c. 3; 1955, c. 3; 1959, c. 4</i>).....	...	1960-61, c. 2.
(<i>See now Alcoholism and Drug Addiction Research Foundation Act.</i>)		
Algonquin Provincial Park Extension Act	...	1960-61, c. 3.
Aliens' Real Property Act.....	13	
Anatomy Act.....	14	1964, c. 2.
Andrew Mercer Reformatory Act.....	15	
Apportionment Act.....	16	
Apprenticeship Act.....	17	1962-63, c. 4; 1964, c. 3, s. 20, rep.
(<i>See now Apprenticeship and Tradesmen's Qualification Act.</i>)		
Apprenticeship and Tradesmen's Qualification Act.....	...	1964, c. 3.
Approved Impartial Referees and Arbitrators Act.....	...	1961-62, c. 5.
Arbitrations Act.....	18	
Archaeological and Historic Sites Protection Act.....	19	
Architects Act.....	20	
Archives Act.....	21	
Artificial Insemination Act.....	22	1962-63, c. 5, s. 12, rep.
(<i>See now Artificial Insemination of Cattle Act.</i>)		
Artificial Insemination of Cattle Act....	...	1962-63, c. 5.
Arts Council Act.....	...	1962-63, c. 6.
Assessment Act.....	23	1960-61, c. 4; 1961-62, c. 6; 1962-63, c. 7; 1964, c. 4.
Assignment of Book Debts Act.....	24	
Assignments and Preferences Act.....	25	
Athletics Control Act.....	26	
Audit Act.....	27	

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
B		
Bail Act.....	28	
Bailiffs Act.....	29	1960-61, c. 5, sup.; 1961-62, c. 7; 1964, c. 5.
Barristers Act.....	30	
Beach Protection Act.....	31	
Beds of Navigable Waters Act.....	32	
Bees Act.....	33	1961-62, c. 8.
Bills of Sale and Chattel Mortgages Act.	34	1960-61, c. 6.
Blind Persons' Allowances Act.....	35	
Blind Workmen's Compensation Act....	36	
Boilers and Pressure Vessels Act.....	37	1960-61, c. 7; 1962-63, c. 8, sup.
Boundaries Act.....	38	1961-62, c. 9.
Bread Sales Act.....	39	
Bridges Act.....	40	
Brucellosis Act.....	41	1962-63, c. 9.
Building Trades Protection Act.....	42	1961-62, c. 10, rep.
Bulk Sales Act.....	43	
Bullied (Wallace and Norah) Relief Act..	...	1964, c. 6.
Business Records Protection Act.....	44	
C		
Cancer Act.....	45	1961-62, c. 11.
Cancer Remedies Act.....	46	
Cemeteries Act.....	47	1961-62, c. 12; 1962-63, c. 10.
Certification of Titles Act.....	48	1961-62, c. 13.
Change of Name Act.....	49	
Charitable Gifts Act.....	50	
Charitable Institutions Act.....	51	1962-63, c. 11, sup.
Charities Accounting Act.....	52	
Child Welfare Act.....	53	1961-62, c. 14; 1962-63, c. 12.
Children's Boarding Homes Act.....	54	1962-63, c. 13.
Children's Institutions Act.....	...	1962-63, c. 14.
Children's Maintenance Act.....	55	
Children's Mental Hospitals Act.....	56	1960-61, c. 8; 1962-63, c. 15.
Chiropody Act.....	57	
Collection Agencies Act.....	58	1962-63, c. 16; 1964, c. 7.
College of Art Act (<i>R.S.O. 1937, c. 377,</i> <i>except s. 21: 1949, c. 12</i>).....	...	1961-62, c. 15, sup.
Commissioners for taking Affidavits Act.	59	1964, c. 8.
Community Centres Act.....	60	1962-63, c. 17.
Community Psychiatric Hospitals Act..	...	1960-61, c. 9.
Conditional Sales Act.....	61	1962-63, c. 18.
Confederation Centennial Act.....	...	1962-63, c. 19.
Conservation Authorities Act.....	62	1960-61, c. 10; 1961-62, c. 16; 1962-63, c. 20.
Consolidated Cheese Factories Act....	63	
Constitutional Questions Act.....	64	
Construction Hoists Act.....	...	1960-61, c. 11; 1961-62, c. 17; 1962-63, c. 21.
Construction Safety Act.....	...	1961-62, c. 18; 1962-63, c. 22.
Controverted Elections Act.....	65	
Conveyancing and Law of Property Act.	66	1964, c. 9.
Co-operative Loans Act.....	67	1961-62, c. 19; 1962-63, c. 23.
Cornea Transplant Act.....	68	1962-63, c. 59, s. 8, rep.
(<i>See now Human Tissue Act.</i>)		
Coroners Act.....	69	1960-61, c. 12; 1961-62, c. 20.
Corporation Securities Registration Act.	70	
Corporations Act.....	71	1960-61, c. 13; 1961-62, c. 21; 1962-63, c. 24; 1964, c. 10.
Corporations and Income Taxes Suspension Act (<i>1952 (2nd Sess.), c. 1: 1953, c. 20</i>).....	...	1960-61, c. 39, s. 45, rep.; 1961-62, c. 60, s. 51, rep.
Corporations Information Act.....	72	1961-62, c. 22; 1962-63, c. 25.
Corporations Tax Act.....	73	1960-61, c. 14; 1961-62, c. 23; 1962-63, c. 26; 1964, c. 11.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
Costs of Distress Act.....	74	
County Court Judges' Criminal Courts Act.....	75	
County Courts Act.....	76	1961-62, c. 24; 1962-63, c. 27; 1964, c. 12.
County Judges Act.....	77	1960-61, c. 15; 1961-62, c. 25; 1962-63, c. 28; 1964, c. 13.
Creditors' Relief Act.....	78	
Credit Unions Act.....	79	1960-61, c. 16; 1964, c. 14.
Crown Administration of Estates Act...	80	
Crown Agency Act.....	81	
Crown Attorneys Act.....	82	1961-62, c. 26; 1962-63, c. 29; 1964, c. 15.
Crown Timber Act.....	83	1961-62, c. 27; 1964, c. 16.
Crown Witnesses Act.....	84	
Custody of Documents Act.....	85	1962-63, c. 30; 1964, c. 17, s. 1, rep.
D		
Damage by Fumes Arbitration Act.....	86	
Day Nurseries Act.....	87	1964, c. 18.
Dead Animal Disposal Act.....	88	1961-62, c. 28.
Debt Collectors Act.....	89	
Dental Technicians Act.....	90	1960-61, c. 17; 1962-63, c. 31.
Dentistry Act.....	91	1961-62, c. 29.
Department of Agriculture Act.....	92	1964, c. 19.
Department of Commerce and Develop- ment Act.....	...	1960-61, c. 18; 1961-62, c. 30, s. 7, rep.
(See now Department of Economics and Development Act.)		
Department of Economics Act.....	93	1960-61, c. 19; 1961-62, c. 30, s. 7, rep.
(See now Department of Economics and Development Act.)		
Department of Economics and Develop- ment Act.....	...	1961-62, c. 30.
Department of Economics and Federal and Provincial Relations Act.....	93	1960-61, c. 19; 1961-62, c. 30, s. 7, rep.
(See now Department of Economics and Development Act.)		
Department of Education Act.....	94	1961-62, c. 31; 1962-63, c. 32; 1964, c. 20.
Department of Energy and Resources Management Act.....	95	1964, c. 21.
Department of Energy Resources Act...	95	1964, c. 21.
(See now Department of Energy and Resources Management Act.)		
Department of Highways Act.....	96	
Department of Labour Act.....	97	1961-62, c. 32; 1962-63, c. 33.
Department of Municipal Affairs Act...	98	1961-62, c. 33; 1962-63, c. 34; 1964, c. 22.
Department of Planning and Develop- ment Act.....	99	1960-61, c. 18, s. 8, rep.
(See now Department of Commerce and Development Act.)		
Department of Public Welfare Act.....	100	
Department of Reform Institutions Act.	101	
Department of the Provincial Secretary and Citizenship Act.....	...	1960-61, c. 20.
Department of Tourism and Information Act.....	103	1960-61, c. 21; 1964, c. 23.
Department of Transport Act.....	102	
Department of Travel and Publicity Act.	103	1960-61, c. 21; 1964, c. 23.
(See now Department of Tourism and Information Act.)		
Department of University Affairs Act....	...	1964, c. 24.
Dependants' Relief Act.....	104	1962-63, c. 35.
Deposits Regulation Act.....	...	1962-63, c. 36.
Deserted Wives' and Children's Main- tenance Act.....	105	
Devolution of Estates Act.....	106	1960-61, c. 22; 1961-62, c. 34.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
Disabled Persons' Allowances Act.....	107	
Disorderly Houses Act.....	108	
District Welfare Administration Boards Act.....	...	1962-63, c. 37.
Ditches and Watercourses Act..... (See now Drainage Act.)	109	1962-63, c. 39, s. 89, rep.
Division Courts Act.....	110	1961-62, c. 35; 1962-63, c. 38; 1964, c. 25.
Dog Tax and Cattle, Sheep and Poultry Protection Act.....	111	
Dominion Courts Act.....	112	
Dower Act.....	113	1964, c. 26.
Drainage Act.....	...	1962-63, c. 39.
Drugless Practitioners Act.....	114	1961-62, c. 36.
E		
Economic Development Loans Guarantee Act.....	...	1962-63, c. 40.
Edible Oil Products Act.....	115	
Egress from Public Buildings Act.....	116	
Elderly Persons' Housing Aid Act.....	117	
Elderly Persons' Social and Recreational Centres Act.....	...	1961-62, c. 37.
Election Act.....	118	
Elevators and Lifts Act.....	119	1961-62, c. 38.
Embalmers and Funeral Directors Act..	120	1961-62, c. 39.
Emergency Measures Act.....	...	1962-63, c. 41.
Employment Agencies Act.....	121	
Energy Act.....	122	1960-61, c. 23; 1961-62, c. 40; 1964, c. 27, sup.
Escheats Act.....	123	
Estreats Act.....	124	
Evidence Act.....	125	1960-61, c. 24.
Execution Act.....	126	1960-61, c. 25; 1962-63, c. 42.
Executive Council Act.....	127	1960-61, c. 26; 1964, c. 28.
Expropriation Procedures Act.....	...	1962-63, c. 43.
Extra-Judicial Services Act.....	128	1964, c. 29.
F		
Factors Act.....	129	
Factory, Shop and Office Building Act.. (See now Industrial Safety Act.)	130	1960-61, c. 27; 1961-62, c. 86, s. 57; 1962-63, c. 44; 1964, c. 45, s. 39, rep.
Fair Accommodation Practices Act..... (See now Ontario Human Rights Code.)	131	1960-61, c. 28; 1961-62, c. 93, s. 19, rep.
Fair Employment Practices Act..... (See now Ontario Human Rights Code.)	132	1961-62, c. 93, s. 19, rep.
Farm Loans Act.....	133	
Farm Loans Adjustment Act.....	134	
Farm Products Containers Act.....	135	
Farm Products Grades and Sales Act...	136	1964, c. 30.
Farm Products Marketing Act.....	137	1961-62, c. 41; 1962-63, c. 45; 1964, c. 31.
Fatal Accidents Act.....	138	
Federated Colleges of the Department of Agriculture Act.....	...	1961-62, c. 42; 1964, c. 120, s. 29.
Female Employees' Fair Remuneration Act..... (See now Ontario Human Rights Code.)	139	1961-62, c. 93, s. 19, rep.
Female Refugees Act.....	140	1964, c. 32, s. 1, rep.
Ferries Act.....	141	
Financial Administration Act.....	142	1961-62, c. 43.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
Fines and Forfeitures Act.....	143	
Fire Accidents Act.....	144	
Fire Departments Act.....	145	1962-63, c. 46; 1964, c. 33.
Fire Fighters' Exemption Act.....	146	
Fire Guardians Act.....	147	
Fire Marshals Act.....	148	1960-61, c. 29; 1961-62, c. 44; 1962-63, c. 47.
Fires Extinguishment Act.....	149	
Fish Inspection Act.....	150	1961-62, c. 45.
Floral Emblem Act.....	151	
Fluoridation Act.....	...	1960-61, c. 30.
Forest Fires Prevention Act.....	152	1960-61, c. 31; 1961-62, c. 46.
Forestry Act.....	153	1961-62, c. 47.
Fraudulent Conveyances Act.....	154	
Fraudulent Debtors Arrest Act.....	155	
Fruit Packing Act.....	156	
Frustrated Contracts Act.....	157	
G		
Game and Fish Act.....	...	1961-62, c. 48; 1962-63, c. 48; 1964, c. 34.
Game and Fisheries Act.....	158	1960-61, c. 32; 1961-62, c. 48, s. 86, rep.
(<i>See now</i> Game and Fish Act.)		
Gaming Act.....	159	
Gananoque Lands Act.....	...	1961-62, c. 49.
Gas and Oil Leases Act.....	160	1962-63, c. 49, sup.
Gasoline Handling Act.....	161	1962-63, c. 50; 1964, c. 35.
Gasoline Tax Act.....	162	1962-63, c. 51; 1964, c. 36.
General Sessions Act.....	163	1961-62, c. 50; 1962-63, c. 52.
General Welfare Assistance Act.....	164	1962-63, c. 53.
Gold Clauses Act.....	165	
Government Contracts Hours and Wages Act.....	166	
Grain Elevator Storage Act.....	167	
Grand River Conservation Act (1938, c. 15; 1954, c. 33).....	...	1962-63, c. 54.
Guarantee Companies Securities Act....	168	
H		
Habeas Corpus Act.....	169	
Haliburton Act.....	170	
Highway Improvement Act.....	171	1960-61, c. 33; 1961-62, c. 51; 1962-63, c. 55; 1964, c. 37.
Highway Traffic Act.....	172	1960-61, c. 34; 1961-62, c. 52; 1962-63, c. 56; 1964, c. 38.
Homemakers and Nurses Services Act...	173	
Homes for Retarded Children Act.....	...	1962-63, c. 57.
Homes for Special Care Act.....	...	1964, c. 39.
Homes for the Aged Act.....	174	1960-61, c. 35; 1961-62, c. 53.
Horticultural Societies Act.....	175	1961-62, c. 54.
Hospital Services Commission Act.....	176	1961-62, c. 55; 1962-63, c. 58.
Hospitals and Charitable Institutions Inquiries Act.....	177	
Hospitals Tax Act.....	178	1961-62, c. 56; 1964, c. 40.
Hotel Dieu Hospital, Windsor, Act.....	...	1961-62, c. 57.
Hotel Fire Safety Act.....	179	1960-61, c. 36; 1964, c. 41.
Hotel Registration of Guests Act.....	180	
Hours of Work and Vacations with Pay Act.....	181	1961-62, c. 58; 1964, c. 42.
Housing Development Act.....	182	1960-61, c. 37; 1961-62, c. 59.
Human Tissue Act.....	...	1962-63, c. 59.
Hunter Damage Compensation Act.....	...	1962-63, c. 60.
Hypnosis Act.....	...	1960-61, c. 38.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
I		
Income Tax Act (<i>R.S.O. 1950, c. 175</i>)...	...	1960-61, c. 39, sup.; 1961-62, c. 60, sup.; 1961-62, c. 61; 1962-63, c. 61; 1964, c. 43.
Income Tax Agency Agreement Act....	...	1960-61, c. 40; 1961-62, c. 60, s. 51, rep.
Income Tax Agreement Act.....	...	1962-63, c. 62.
Income Tax Suspension Act (<i>1947, c. 48;</i> <i>1948, c. 45; 1949, c. 43; 1951, c. 38;</i> <i>1952, c. 40</i>).....	...	1960-61, c. 39, s. 45, rep.; 1961-62, c. 60, s. 51, rep.
Indian Welfare Services Act.....	183	1962-63, c. 63.
Industrial and Mining Lands Compensation Act.....	184	
Industrial Farms Act.....	185	1964, c. 44.
Industrial Safety Act.....	...	1964, c. 45.
Industrial Standards Act.....	186	1964, c. 46.
Infants Act.....	187	1961-62, c. 62.
Injured Animals Act.....	188	
Innkeepers Act.....	189	
Insurance Act.....	190	1961-62, c. 63; 1962-63, c. 64; 1964, c. 47.
Interpretation Act.....	191	
Interprovincial Drainage Act.....	192	1962-63, c. 39, s. 89, rep.
(<i>See now Drainage Act.</i>)		
Investigation of Titles Act.....	193	1962-63, c. 65; 1964, c. 48, s. 1, rep.
Investment Contracts Act.....	194	
J		
Jails Act.....	195	1961-62, c. 64.
Judges' Orders Enforcement Act.....	196	
Judicature Act.....	197	1960-61, c. 41; 1961-62, c. 65.
Junior Farmer Establishment Act.....	198	1962-63, c. 66; 1964, c. 49.
Jurors Act.....	199	1961-62, c. 66; 1962-63, c. 67; 1964, c. 50.
Justices of the Peace Act.....	200	
Juvenile and Family Courts Act.....	201	1960-61, c. 42; 1961-62, c. 67; 1964, c. 51.
K		
Killarney Recreational Reserve Act....	...	1962-63, c. 68; 1964, c. 52.
(<i>See now North Georgian Bay Recreational Reserve Act.</i>)		
Kinsmen Club of Kenora Act.....	...	1962-63, c. 69.
L		
Labour Relations Act.....	202	1961-62, c. 68; 1962-63, c. 70; 1964, c. 53.
Lakehead College of Arts, Science and Technology Act (<i>1956, c. 36</i>).....	...	1961-62, c. 69.
Lakes and Rivers Improvement Act....	203	1960-61, c. 43; 1962-63, c. 71.
Land Titles Act.....	204	1961-62, c. 70; 1962-63, c. 72.
Land Transfer Tax Act.....	205	
Landlord and Tenant Act.....	206	
Law Society Act.....	207	1960-61, c. 44; 1964, c. 54.
Leamington (Town of) Assessment Act..	...	1962-63, c. 73.
Legislative Assembly Act.....	208	1960-61, c. 45; 1964, c. 55.
Legislative Assembly Retirement Allowances Act.....	209	
Legitimacy Act.....	...	1961-62, c. 71.
Legitimation Act.....	210	1961-62, c. 71, s. 7, rep.
(<i>See now Legitimacy Act.</i>)		
Libel and Slander Act.....	211	
Lieutenant Governor Act.....	212	
Lightning Rods Act.....	213	1960-61, c. 46.
Limitations Act.....	214	
Limited Partnerships Act.....	215	
Line Fences Act.....	216	1962-63, c. 74.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
Liquor Control Act.....	217	1960-61, c. 47; 1961-62, c. 72.
Liquor Licence Act.....	218	1961-62, c. 73.
Live Stock and Live Stock Products Act.....	219	
Live Stock Branding Act.....	220	
Live Stock Community Sales Act.....	221	
Loan and Trust Corporations Act.....	222	1960-61, c. 48; 1961-62, c. 74.
Local Improvement Act.....	223	1960-61, c. 49; 1961-62, c. 75; 1962-63, c. 75.
Local Roads Boards Act.....	...	1964, c. 56.
Loggers' Safety Act.....	...	1962-63, c. 76.
Logging Tax Act.....	224	1962-63, c. 77.
Lord's Day (Ontario) Act.....	225	1960-61, c. 50, sup.
M		
Magistrates Act.....	226	1960-61, c. 51; 1961-62, c. 76; 1964, c. 57.
Marine Insurance Act.....	227	
Marriage Act.....	228	1960-61, c. 52; 1964, c. 58.
Married Women's Property Act.....	229	
Master and Fellows of Massey College Act.....	...	1960-61, c. 53.
Master and Servant Act.....	230	1961-62, c. 77.
Maternity Boarding Houses Act.....	231	1964, c. 59.
Matrimonial Causes Act.....	232	1960-61, c. 54.
Meat Inspection Act (Ontario).....	...	1962-63, c. 78.
Mechanics' Lien Act.....	233	1961-62, c. 78; 1962-63, c. 79.
Medical Act.....	234	1962-63, c. 80.
Mental Health Act.....	235	
Mental Hospitals Act.....	236	1960-61, c. 55; 1961-62, c. 79; 1962-63, c. 81.
Mental Incompetency Act.....	237	1964, c. 60.
Mercantile Law Amendment Act.....	238	
Milk Industry Act.....	239	1960-61, c. 56; 1961-62, c. 80; 1962-63, c. 82; 1964, c. 61.
Minimum Wage Act.....	240	1962-63, c. 83.
Mining Act.....	241	1961-62, c. 81; 1962-63, c. 84; 1964, c. 62.
Mining Tax Act.....	242	
Minors' Protection Act.....	243	
Mortgage Brokers Registration Act.....	244	1960-61, c. 57; 1961-62, c. 82; 1962-63, c. 85; 1964, c. 63.
Mortgages Act.....	245	1960-61, c. 58; 1961-62, c. 83; 1964, c. 64.
Mortmain and Charitable Uses Act.....	246	
Mothers' Allowances Act.....	247	1962-63, c. 86; 1964, c. 65.
Mothers' and Dependent Children's Allowances Act.....	247	1962-63, c. 86.
(See now Mothers' Allowances Act.)		
Motor Vehicle Accident Claims Act.....	...	1961-62, c. 84; 1964, c. 66.
Motor Vehicle Fuel Tax Act.....	248	1961-62, c. 85; 1964, c. 67.
Municipal Act.....	249	1960-61, c. 59; 1961-62, c. 86; 1962-63, c. 87; 1964, c. 68.
Municipal Arbitrations Act.....	250	
Municipal Corporations Quieting Orders Act.....	251	
Municipal Drainage Act.....	252	1962-63, c. 39, s. 89, rep.
(See now Drainage Act.)		
Municipal Drainage Aid Act.....	253	1962-63, c. 39, s. 89, rep.
(See now Drainage Act.)		
Municipal Franchise Extension Act.....	254	
Municipal Franchises Act.....	255	
Municipal Health Services Act.....	256	
Municipal Subsidies Adjustment Act.....	257	
Municipal Tax Assistance Act.....	258	
Municipal Unconditional Grants Act.....	259	1960-61, c. 60; 1961-62, c. 87; 1962-63, c. 88; 1964, c. 69.
Municipal Works Assistance Act.....	...	1963, c. 1; 1964, c. 70.
Municipality of Metropolitan Toronto Act.....	260	1960-61, c. 61; 1961-62, c. 88; 1962-63, c. 89; 1964, c. 71.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
N		
National Radio Observatory Act.....	...	1962-63, c. 90.
Negligence Act.....	261	
Niagara Parks Act.....	262	
North Georgian Bay Recreational Reserve Act.....	...	1962-63, c. 68; 1964, c. 52.
Notaries Act.....	263	1961-62, c. 89; 1962-63, c. 91, sup.; 1964, c. 72.
Nurses Act.....	...	1961-62, c. 90; 1962-63, c. 92; 1964, c. 73.
Nurses Registration Act..... (<i>See now Nurses Act.</i>)	264	1961-62, c. 90, s. 14 (1), rep.
Nursing Act..... (<i>See now Nurses Act.</i>)	265	1960-61, c. 62; 1961-62, c. 90, s. 14 (1), rep.
O		
Official Notices Publication Act.....	266	
Old Age Assistance Act.....	267	
Oleomargarine Act.....	268	1962-63, c. 93.
One Day's Rest in Seven Act.....	269	
Ontario Anti-Discrimination Commission Act..... (<i>See now Ontario Human Rights Code.</i>)	270	1960-61, c. 63; 1961-62, c. 93, s. 19, rep.
Ontario Energy Board Act.....	271	1960-61, c. 64; 1961-62, c. 91; 1964, c. 74, sup.
Ontario Food Terminal Act.....	272	1964, c. 75.
Ontario Harbours Agreement Act.....	...	1962-63, c. 95.
Ontario Highway Transport Board Act..	273	1960-61, c. 65; 1961-62, c. 92.
Ontario Housing Corporation Act.....	...	1964, c. 76.
Ontario Human Rights Code.....	...	1961-62, c. 93.
Ontario Human Rights Commission Act. (<i>See now Ontario Human Rights Code.</i>)	270	1960-61, c. 63; 1961-62, c. 93, s. 19, rep.
Ontario Hurricane Relief Fund Act (1955, c. 55).....	...	1964, c. 77.
Ontario Hydro-Employees' Union Dis- pute Act.....	...	1961-62, c. 94.
Ontario Law Reform Commission Act....	...	1964, c. 78.
Ontario Loan Act.....	...	1964, c. 79.
Ontario Mental Health Foundation Act..	...	1960-61, c. 67; 1964, c. 80.
Ontario Municipal Board Act.....	274	1960-61, c. 68; 1961-62, c. 96; 1962-63, c. 97; 1964, c. 81.
Ontario Municipal Employees Retirement System Act.....	...	1961-62, c. 97; 1964, c. 82.
Ontario Municipal Improvement Cor- poration Act.....	275	
Ontario Northland Transportation Com- mission Act.....	276	1960-61, c. 69; 1964, c. 83.
Ontario Parks Integration Board Act..	277	1961-62, c. 98.
Ontario Producers, Processors, Distribu- tors and Consumers Food Council Act	...	1962-63, c. 94.
Ontario School Trustees' Council Act...	278	
Ontario-St. Lawrence Development Com- mission Act..... (<i>See now St. Lawrence Parks Commis- sion Act.</i>)	279	1960-61, c. 70; 1962-63, c. 98; 1964, c. 84.
Ontario Telephone Development Cor- poration Act.....	280	
Ontario Universities Capital Aid Cor- poration Act.....	...	1964, c. 85.
Ontario Water Resources Commission Act.....	281	1960-61, c. 71; 1961-62, c. 99; 1962-63, c. 99; 1964, c. 86.
Operating Engineers Act.....	282	
Ophthalmic Dispensers Act.....	...	1960-61, c. 72; 1961-62, c. 100; 1962-63, c. 100.
Optometry Act.....	283	1960-61, c. 73; 1961-62, c. 101, sup.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
P		
Parents' Maintenance Act.....	284	
Parks Assistance Act.....	285	1961-62, c. 102; 1962-63, c. 101.
Parole Act.....	286	
Partition Act.....	287	
Partnerships Act.....	288	
Partnerships Registration Act.....	289	1962-63, c. 102.
Pawnbrokers Act.....	290	
Penal and Reform Institutions Inspection Act.....	291	1964, c. 87.
Pension Benefits Act.....	...	1962-63, c. 103; 1964, c. 88.
Personation Act.....	292	
Pesticides Act.....	293	1962-63, c. 104.
Petty Trespass Act.....	294	1960-61, c. 74.
Pharmacy Act.....	295	1961-62, c. 103; 1964, c. 89.
Pittsburgh Township Boundary Act....	...	1960-61, c. 75.
Planning Act.....	296	1960-61, c. 76; 1961-62, c. 104; 1962-63, c. 105; 1964, c. 90.
Plant Diseases Act.....	297	1964, c. 91.
Police Act.....	298	1960-61, c. 77; 1961-62, c. 105; 1962-63, c. 106; 1964, c. 92.
Pounds Act.....	299	
Power Commission Act.....	300	1960-61, c. 78; 1961-62, c. 106.
Power Commission Insurance Act.....	301	
Power Commission's Systems Consolida- tion Act.....	...	1961-62, c. 107.
Power Control Act.....	302	
Powers of Attorney Act.....	303	
Prearranged Funeral Services Act.....	...	1961-62, c. 108.
Prepaid Hospital and Medical Services Act.....	304	
Private Hospitals Act.....	305	1962-63, c. 107.
Private Investigators Act.....	306	1961-62, c. 109.
Private Sanitaria Act.....	307	1961-62, c. 110; 1962-63, c. 108.
Probation Act.....	308	
Proceedings Against the Crown Act (1952, c. 78).....	...	1962-63, c. 109, sup.
Professional Engineers Act.....	309	
Property and Civil Rights Act.....	310	
Provincial Aid to Drainage Act..... (See now Drainage Act.)	311	1962-63, c. 39, s. 89, rep.
Provincial Auctioneers Act.....	312	
Provincial Land Tax Act.....	313	1961-62, c. 111, sup.
Provincial Parks Act.....	314	1960-61, c. 79; 1961-62, c. 112; 1962-63, c. 110.
Psychiatric Hospitals Act.....	315	1962-63, c. 111.
Psychologists Registration Act.....	316	1962-63, c. 112.
Public Accountancy Act.....	317	1961-62, c. 113.
Public Authorities Protection Act.....	318	
Public Commercial Vehicles Act.....	319	1961-62, c. 114.
Public Halls Act.....	320	
Public Health Act.....	321	1960-61, c. 80; 1961-62, c. 115; 1962-63, c. 113; 1964, c. 93.
Public Hospitals Act.....	322	1961-62, c. 116; 1964, c. 94.
Public Inquiries Act.....	323	
Public Lands Act.....	324	1960-61, c. 81; 1961-62, c. 117; 1962-63, c. 114.
Public Libraries Act.....	325	1961-62, c. 118; 1962-63, c. 115.
Public Officers Act.....	326	
Public Officers' Fees Act.....	327	1962-63, c. 116.
Public and Other Works Wages Act.... (See now Public Works Creditors Pay- ment Act.)	328	1962-63, c. 121, s. 7, rep.
Public Parks Act.....	329	1961-62, c. 119.
Public Schools Act.....	330	1960-61, c. 82; 1961-62, c. 120; 1962-63, c. 117; 1964, c. 95.
Public Service Act.....	331	1960-61, c. 83; 1961-62, c. 121, sup.; 1962-63, c. 118.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
Public Service Superannuation Act.....	332	1960-61, c. 84; 1961-62, c. 122; 1962-63, c. 119; 1964, c. 96.
Public Service Works on Highways Act..	333	
Public Trustee Act.....	334	
Public Utilities Act.....	335	1960-61, c. 85; 1962-63, c. 120.
Public Utilities Corporations Act.....	336	
Public Vehicles Act.....	337	
Public Works Act.....	338	
Public Works Creditors Payment Act...	...	1962-63, c. 121.
Public Works Protection Act.....	339	
Q		
Quieting Titles Act.....	340	
R		
Race Tracks Tax Act.....	341	1964, c. 97.
Racing Commission Act.....	342	
Radiological Technicians Act.....	...	1962-63, c. 122; 1964, c. 98.
Railway Fire Charge Act.....	343	1960-61, c. 86.
Real Estate and Business Brokers Act...	344	1962-63, c. 123; 1964, c. 99.
Reciprocal Enforcement of Judgments Act.....	345	
Reciprocal Enforcement of Maintenance Orders Act.....	346	1961-62, c. 123; 1964, c. 100.
Reformatories Act.....	347	1964, c. 101.
Registry Act.....	348	1961-62, c. 124; 1962-63, c. 124; 1964, c. 102.
Regulations Act.....	349	1960-61, c. 87; 1961-62, c. 125.
Regulations Revision Act (1959, c. 90)	1960-61, c. 88.
Rehabilitation Services Act.....	350	
Religious Institutions Act.....	351	
Replevin Act.....	352	
Representation Act.....	353	1962-63, c. 125.
Research Foundation Act (1944, c. 53; 1955, c. 73).....	...	1960-61, c. 89; 1962-63, c. 126.
Residential and Farm School Tax Assis- tance Grants Act.....	...	1960-61, c. 90; 1964, c. 103, s. 1, rep.
Retail Sales Tax Act.....	...	1960-61, c. 91; 1961-62, c. 126; 1962-63, c. 127; 1964, c. 104.
Revised Regulations Confirmation Act..	...	1961-62, c. 127.
Revised Statutes Confirmation Act.....	...	1961-62, c. 128.
Rights of Labour Act.....	354	
Rural Housing Assistance Act.....	355	
Rural Hydro-Electric Distribution Act..	356	
Rural Power District Loans Act.....	357	
Ryerson Polytechnical Institute Act....	...	1962-63, c. 128.
S		
Sale of Goods Act.....	358	
Sanatoria for Consumptives Act.....	359	1961-62, c. 129.
School Trust Conveyances Act.....	360	
Schools Administration Act.....	361	1960-61, c. 92; 1961-62, c. 130; 1962-63, c. 129; 1964, c. 105.
Secondary Schools and Boards of Educa- tion Act.....	362	1960-61, c. 93; 1961-62, c. 131; 1962-63, c. 130; 1964, c. 106.
Securities Act.....	363	1962-63, c. 131; 1964, c. 107.
Security Transfer Tax Act.....	364	
Seduction Act.....	365	
Seed Grain Subsidy Act.....	366	
Seed Potatoes Act.....	367	
Separate Schools Act.....	368	1960-61, c. 94; 1961-62, c. 132; 1962-63, c. 132; 1964, c. 108.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
Settled Estates Act.....	369	
Settlers' Pulpwood Protection Act.....	370	
Sheridan Park Corporation Act.....	...	1964, c. 109.
Sheriffs Act.....	371	
Short Forms of Conveyances Act.....	372	
Short Forms of Leases Act.....	373	
Short Forms of Mortgages Act.....	374	1964, c. 110.
Silicosis Act.....	375	
Slot Machines Act (<i>R.S.O. 1950, c. 365</i>).....	...	1964, c. 111, s. 1, rep.
Snow Roads and Fences Act.....	376	
Soldiers' Aid Commission Act.....	377	
Solicitors Act.....	378	
Spruce Pulpwood Exportation Act.....	379	
Stallions Act.....	380	
Statistics Act.....	...	1962-63, c. 133.
Statute of Frauds.....	381	
Statute Labour Act.....	382	1962-63, c. 134.
Statute Law Amendment Act (<i>1947, c. 101, s. 20</i>).....	...	1961-62, c. 42, s. 20, rep.
Statutes Act.....	383	
Steam Threshing Engines Act.....	384	
St. Lawrence Parks Commission Act....	279	1960-61, c. 70; 1962-63, c. 98; 1964, c. 84.
Stock Yards Act.....	385	
Succession Duty Act.....	386	1960-61, c. 95; 1961-62, c. 133; 1962-63, c. 135; 1964, c. 112.
Summary Convictions Act.....	387	1961-62, c. 134; 1964, c. 113.
Supply Act.....	...	1964, c. 114.
Surrogate Courts Act.....	388	1961-62, c. 136; 1962-63, c. 137.
Surveyors Act.....	389	
Surveys Act.....	390	1960-61, c. 97.
Survivorship Act.....	391	
T		
Teachers' Superannuation Act.....	392	1960-61, c. 98; 1961-62, c. 137; 1962-63, c. 138; 1964, c. 115.
Teaching Profession Act.....	393	
Telephone Act.....	394	1962-63, c. 139.
Territorial Division Act.....	395	1964, c. 116.
Theatres Act.....	396	1960-61, c. 99.
Threshing Machines Act.....	397	
Ticket Speculation Act.....	398	
Tile Drainage Act.....	399	1961-62, c. 138.
Time Act.....	400	
Toll Bridges Act.....	401	
Tourist Establishments Act.....	402	1964, c. 117.
Town of Leamington Assessment Act....	...	1962-63, c. 73.
Trade Schools Regulation Act.....	403	
Training Schools Act.....	404	1961-62, c. 139.
Transportation of Fowl Act.....	405	
Trees Act.....	406	1964, c. 118.
Trench Excavators' Protection Act....	407	
Trustee Act.....	408	1960-61, c. 100; 1961-62, c. 140; 1964, c. 119.
U		
Unclaimed Articles Act.....	409	
Unconscionable Transactions Relief Act.	410	
University of Guelph Act.....	...	1964, c. 120.
University of Toronto Act (<i>1947, c. 112; 1953, c. 107; 1955, c. 90; 1958, c. 119; 1959, c. 103</i>).....	...	1964, c. 120, s. 30.
University of Toronto Lands Act.....	...	1962-63, c. 140.
Used Car Dealers Act.....	...	1964, c. 121.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963 and 1964
V		
Vacant Land Cultivation Act.....	411	
Vaccination Act.....	412	1964, c. 122, s. 1, rep.
Variation of Trusts Act.....	413	1961-62, c. 141.
Vendors and Purchasers Act.....	414	1960-61, c. 101.
Venereal Diseases Prevention Act.....	415	
Veterinarians Act.....	416	
Veterinary College Act (<i>R.S.O. 1937,</i> <i>c. 375: 1947, c. 101, s. 20</i>).....	...	1961-62, c. 42, s. 20, rep.
(<i>See now Federated Colleges of the</i> <i>Department of Agriculture Act.</i>)		
Vexatious Proceedings Act.....	417	
Vicious Dogs Act.....	418	
Vital Statistics Act.....	419	1960-61, c. 102; 1961-62, c. 142; 1962-63, c. 141; 1964, c. 123.
Voters' Lists Act.....	420	1962-63, c. 142.
W		
Wages Act.....	421	1960-61, c. 103; 1962-63, c. 143.
Wallace Bullied and Norah Bullied Relief Act.....	...	1964, c. 6.
Warble Fly Control Act.....	422	
Warehousemen's Lien Act.....	423	
Warehouse Receipts Act.....	424	
War Veterans Burial Act.....	425	
Water Powers Regulation Act.....	426	
Weed Control Act.....	427	
Welfare Units Act.....	428	
Wharfs and Harbours Act.....	429	
White Cane Act.....	430	
Wild Rice Harvesting Act.....	431	
Wilderness Areas Act.....	432	
Wills Act.....	433	1962-63, c. 144.
Wolf and Bear Bounty Act.....	434	
Woodmen's Employment Act.....	435	
Woodmen's Lien for Wages Act.....	436	
Workmen's Compensation Act.....	437	1962-63, c. 145; 1964, c. 124.
Workmen's Compensation Insurance Act	438	

TABLE OF PROCLAMATIONS

Setting out the Public Acts and parts of Public Acts in the Revised Statutes of Ontario, 1960 and subsequent annual volumes that have been and that are to be brought into force by Proclamation and that have not been repealed or superseded

A

ACTS AND PARTS OF ACTS PROCLAIMED AND THE DATES UPON WHICH THEY CAME INTO FORCE

AGRICULTURAL RESEARCH INSTITUTE OF ONTARIO ACT: 1961-62, c. 1 (14th June, 1962).

AGRICULTURAL SOCIETIES AMENDMENT ACT: 1961-62, c. 2 (30th May, 1962).

BUILDING TRADES PROTECTION REPEAL ACT: 1961-62, c. 10 (1st August, 1962).

CEMETERIES AMENDMENT ACT: 1961-62, c. 12, ss. 2 and 3 (30th June, 1962).

CHARITABLE INSTITUTIONS ACT: 1962-63, c. 11 (1st April, 1964).

CHILDREN'S INSTITUTIONS ACT: 1962-63, c. 14 (1st September, 1963).

CONDITIONAL SALES AMENDMENT ACT: 1962-63, c. 18 (1st April, 1964).

CONSTRUCTION HOISTS ACT: 1960-61, c. 11 (19th November, 1962).

CONSTRUCTION HOISTS AMENDMENT ACT: 1961-62, c. 17 (19th November, 1962).

CONSTRUCTION SAFETY ACT: 1961-62, c. 18 (1st August, 1962).

CORPORATIONS AMENDMENT ACT: 1960-61, c. 13, s. 2 (13th May, 1961).

COUNTY COURTS AMENDMENT ACT: 1961-62, c. 24, except ss. 5 and 8 (14th September, 1962);
ss. 5 and 8 (1st July, 1962).

COUNTY JUDGES AMENDMENT ACT: 1961-62, c. 25, ss. 1, 3, 4, 5 (1), 6, 7, 8 (1) and 9 (14th
September, 1962).

CUSTODY OF DOCUMENTS REPEAL ACT: 1964, c. 17 (1st July, 1964).

DENTAL TECHNICIANS AMENDMENT ACT: 1960-61, c. 17 (1st July, 1961).

DEPOSITS REGULATION ACT: 1962-63, c. 36 (1st July, 1963).

DISTRICT WELFARE ADMINISTRATION BOARDS ACT: 1962-63, c. 37 (1st May, 1964).

DIVISION COURTS AMENDMENT ACT: 1961-62, c. 35, ss. 1, 2, 3, 4, 8 and 9 (1st June, 1962).

DRAINAGE ACT: 1962-63, c. 39 (1st June, 1963).

ENERGY AMENDMENT ACT: 1960-61, c. 23 (1st May, 1961).

EXECUTION AMENDMENT ACT: 1962-63, c. 42 (1st April, 1964).

EXPROPRIATION PROCEDURES ACT: 1962-63, c. 43 (1st January, 1964).

FEDERATED COLLEGES OF THE DEPARTMENT OF AGRICULTURE ACT: 1961-62, c. 42 (14th June,
1962).

GAME AND FISH ACT: 1961-62, c. 48 (1st June, 1963).

GAME AND FISH AMENDMENT ACT: 1962-63, c. 48 (1st June, 1963).

GENERAL SESSIONS AMENDMENT ACT: 1961-62, c. 50 (14th September, 1962).

GENERAL WELFARE ASSISTANCE AMENDMENT ACT: 1962-63, c. 53 (1st January, 1963).

HOMES FOR RETARDED CHILDREN ACT: 1962-63, c. 57 (1st September, 1963).

HORTICULTURAL SOCIETIES AMENDMENT ACT: 1961-62, c. 54 (30th May, 1962).

HYPNOSIS ACT: 1960-61, c. 38 (15th November, 1961).

INSURANCE AMENDMENT ACT: 1961-62, c. 63, ss. 1, 2, 3, 4 and 7 (1st July, 1962); 1962-63, c. 64, s. 1 (1st October, 1963).

INVESTIGATION OF TITLES AMENDMENT ACT: 1962-63, c. 65 (1st April, 1964).

JUDICATURE AMENDMENT ACT: 1961-62, c. 65, s. 3 (14th September, 1962).

JURORS AMENDMENT ACT: 1955, c. 37, ss. 8 (1), 11, 14 and 15—but see R.S.O. 1960, c. 199, s. 106 (1st January, 1961).

LABOUR RELATIONS AMENDMENT ACT: 1961-62, c. 68, ss. 1 (1), 2, 8, 10 and 16 (2nd August, 1962).

LIQUOR CONTROL AMENDMENT ACT: 1960-61, c. 47 (19th January, 1961).

LOAN AND TRUST CORPORATIONS AMENDMENT ACT: 1960-61, c. 48, ss. 3 and 4 (15th August, 1961).

MECHANICS' LIEN AMENDMENT ACT: 1962-63, c. 79 (1st April, 1964).

MENTAL INCOMPETENCY AMENDMENT ACT: 1964, c. 60 (13th July, 1964).

MILK INDUSTRY AMENDMENT ACT: 1960-61, c. 56 (30th January, 1962).

MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES AMENDMENT ACT: 1962-63, c. 86 (1st January, 1963).

NURSES ACT: 1961-62, c. 90 (1st January, 1963).

OLEOMARGARINE AMENDMENT ACT: 1962-63, c. 93, ss. 2 and 3 (21st November, 1963).

ONTARIO HUMAN RIGHTS CODE: 1961-62, c. 93 (15th June, 1962).

OPHTHALMIC DISPENSERS ACT: 1960-61, c. 72 (8th December, 1961).

OPTOMETRY ACT: 1961-62, c. 101 (19th January, 1963).

PARTNERSHIPS REGISTRATION AMENDMENT ACT: 1962-63, c. 102 (1st April, 1964).

PENSION BENEFITS ACT: 1962-63, c. 103 (1st June, 1963).

PENSION BENEFITS AMENDMENT ACT: 1964, c. 88 (30th June, 1964).

PUBLIC ACCOUNTANCY AMENDMENT ACT: 1961-62, c. 113 (15th June, 1962).

PUBLIC WORKS CREDITORS PAYMENT ACT: 1962-63, c. 121 (1st September, 1963).

RADIOLOGICAL TECHNICIANS ACT: 1962-63, c. 122 (1st August, 1964).

REAL ESTATE AND BUSINESS BROKERS AMENDMENT ACT: 1962-63, c. 123, s. 24 (1st July, 1963).

REGISTRY AMENDMENT ACT: 1961-62, c. 124 (1st April, 1964); 1962-63, c. 124, ss. 3, 5, 6, 11, 12, 15, 16, 20-22, 26-29, 36 and 50 (1st July, 1964); s. 41 (1st April, 1964); 1964, c. 102, s. 33 (1st July, 1964).

RYERSON POLYTECHNICAL INSTITUTE ACT: 1962-63, c. 128 (1st April, 1964).

SECURITIES AMENDMENT ACT: 1962-63, c. 131 (1st July, 1963).

SURROGATE COURTS AMENDMENT ACT: 1961-62, c. 136 (14th September, 1962).

B

ACTS AND PARTS OF ACTS NOT PROCLAIMED
AS OF JULY 22nd, 1964

APPRENTICESHIP AND TRADESMEN'S QUALIFICATION ACT: 1964, c. 3.

APPROVED IMPARTIAL REFEREES AND ARBITRATORS ACT: 1961-62, c. 5.

CORPORATIONS AMENDMENT ACT: 1961-62, c. 21, s. 4.

ENERGY ACT: 1964, c. 27.

INDUSTRIAL SAFETY ACT: 1964, c. 45.

INDUSTRIAL STANDARDS AMENDMENT ACT: 1964, c. 46.

INSURANCE ACT: R.S.O. 1960, c. 190, ss. 337, 338 and 339.

INSURANCE AMENDMENT ACT: 1964, c. 47, ss. 5 and 6.

INVESTIGATION OF TITLES REPEAL ACT: 1964, c. 48.

LABOUR RELATIONS AMENDMENT ACT: 1964, c. 53, ss. 1-10 and 12-15.

LOGGERS' SAFETY ACT: 1962-63, c. 76.

MEAT INSPECTION ACT (Ontario): 1962-63, c. 78.

MINING ACT: R.S.O. 1960, c. 241, s. 164 (1961-62, c. 81, s. 1) (application to certain parts of Ontario).

MINING TAX AMENDMENT ACT: 1959, c. 61—*but see* R.S.O. 1960, c. 242, s. 34.

ONTARIO ENERGY BOARD ACT: 1964, c. 74.

ONTARIO HOUSING CORPORATION ACT: 1964, c. 76.

PHARMACY AMENDMENT ACT: 1964, c. 89, ss. 6 and 7.

PLANNING AMENDMENT ACT: 1964, c. 90, ss. 1 and 6.

POLICE AMENDMENT ACT: 1961-62, c. 105, ss. 3 and 4.

PUBLIC HEALTH AMENDMENT ACT: 1964, c. 93, ss. 1 (1, 2), 5, 7 and 9.

REGISTRY AMENDMENT ACT: 1964, c. 102, ss. 8 and 34.

SECURITIES AMENDMENT ACT: 1964, c. 107.

USED CAR DEALERS ACT: 1964, c. 121.

VACCINATION REPEAL ACT: 1964, c. 122.



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